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CORRIGENDA.

ART. I.—*The Greville Memoirs*, p. 45. 'Mr. Reeve gives lists of five Cabinets, or Administrations, as he indiscriminately calls them; and four of his lists are wrong.' We should have said that all five are wrong. In his list of Lord Melbourne's second Cabinet (1835) as originally constituted, he includes Lord Morpeth and omits Lord Holland. In his list of Lord Melbourne's first Cabinet (1834) he erroneously includes Mr. Poulett Thompson (afterwards Lord Sydenham) as well as Mr. Edward Ellice.

P. 50, line 3 from the bottom. For 'Green Room *of* the Garrick,' read 'Green Room *or* the Garrick.'



THE

QUARTERLY REVIEW.

ART. I.—*The Greville Memoirs: a Journal of the Reigns of King George IV. and King William IV.* By the late Charles C. F. Greville, Esq., Clerk of the Council of those Sovereigns. Edited by Henry Reeve, Registrar of the Privy Council. In 3 volumes. London, 1874. Second Edition.

WE approach the critical examination of the late Mr. Charles Greville's Journal with a sense of more than ordinary responsibility. It has attracted an unusual amount of attention: it has been widely circulated, at home and abroad: our estimate of it differs essentially from that of the great majority of our contemporaries in the Press; and as they have been, we think, unduly prodigal of commendation, the invidious duty is forced upon us of redressing the balance by dwelling more on the demerits than the merits of the book. It has raised, moreover, a question of no slight importance to society: a question which cannot be summarily set aside by assuming that, provided people are interested or amused, it matters little or nothing what feelings are wounded, what confidence is broken, or what reputations are assailed. The very first consideration forced upon us by the perusal was, whether many of the most popular passages ought to have been published for the next fifty years: whether many ought not to have been wholly obliterated or permanently suppressed. But before laying down and applying what we take to be the sound and received doctrine on these points, we must come to a precise understanding as to the position and character of the writer, the conditions or circumstances under which he wrote, and the moral or honourable obligations imposed upon him.

Only two meagre paragraphs are devoted to his biography by Mr. Reeve:

'Of the Author of these Journals it may suffice to say that Charles Cavendish Fulke Greville was the eldest of the three sons of Charles Greville (who was grandson of the fifth Lord Warwick), by Lady Charlotte Cavendish Bentinck, eldest daughter of William

Henry, third Duke of Portland, K.G., who filled many great offices of State. He was born on the 2nd of April, 1794. Much of his childhood was spent at his grandfather's house at Bulstrode. He was educated at Eton and at Christ Church, Oxford; but he left the University early, having been appointed private secretary to Earl Bathurst before he was twenty.

'The influence of the Duke of Portland obtained for him early in life the sinecure appointment of the Secretaryship of Jamaica, the duties of that office being performed by deputy, and likewise the reversion of the Clerkship of the Council. He entered in 1821 upon the duties of Clerk of the Council in Ordinary, which he discharged for nearly forty years. During the last twenty years of his life Mr. Greville occupied a suite of rooms in the house of Earl Granville in Bruton Street, and there, on the 18th of January, 1865, he expired.'

He was born in a wing or side-building of Burlington House, Piccadilly, which had been lent to his father for a residence. He was admitted a student of Christ Church on the 24th December, 1810, on the nomination of Canon Dowdeswell, having entered as a commoner a few days before. He retained his studentship till December 24th, 1814,—as long as he could retain it without taking a B.A. degree; but he resided or kept only seven terms, from January 1811 to June 1812; when, being then in his nineteenth year, he became private secretary to Lord Bathurst. He also obtained a clerkship in one of the public offices: we believe, the Board of Trade. He always regretted that his father's circumstances did not allow of his remaining longer at the University. Once upon a time, pointing out to a lady the rooms he had occupied in his undergraduate days, he paused before a window from which he and two others had dropped after the college gates were closed, to reach a spot where a chaise and four was waiting for them. They dashed off to London to witness the execution of Bellingham, the assassin of Mr. Perceval. Having satisfied their curiosity, or love of excitement, they dashed back again, and were lucky enough to escape discovery.

His net income from his two offices exceeded 4000*l.*; and as, with little or no private fortune, he died worth 30,000*l.*, he was probably a gainer on the turf. He took to it very early in life, and was wont to relate that, having lost 3000*l.* which he was unable to pay, he applied to his uncle, the Duke, who readily lent him the money. As soon as he was in funds, he procured three new Bank of England notes of one thousand pounds each, and presented himself to discharge his debt. 'Oh, no, Charles, keep the money by all means. It will bring you luck. I never meant it as a loan.' Greville made some show

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of reluctance, and unluckily laid the notes on the table. He was quite sure, he said, that if he had offered a bundle of dirty notes, or a cheque, the Duke would have refused still, but the bright, clean notes were too much for his Grace, who placed them, neatly folded, in his pocket-book, saying, 'Well, Charles, since you insist upon it—but whenever you have a bad time of it, come to me.'

Moralising on Lord Bathurst's death, in 1834, after describing him as a very amiable man, with a good understanding, Greville sets down:

'I was Lord Bathurst's private secretary for several years, but so far from feeling any obligation to him, I always consider his mistaken kindness in giving me that post as the source of all my misfortunes and the cause of my present condition. He never thought fit to employ me, never associated me with the interests and the business of his office, and consequently abandoned me at the age of eighteen to that life of idleness and dissipation from which I might have been saved had he felt that my future prospects in life, my character and talents, depended in great measure upon the direction which was at that moment given to my mind.'

When the celebrated Lord Chesterfield was named Lord Lieutenant of Ireland, he chose for his secretary Mr. Lyddel, 'a very genteel pretty young fellow, but not a man of business' (this is his Lordship's description), and addressed him thus: 'Sir, you will receive the emoluments of your place, but I will do the business myself.' It is not recorded that Mr. Lyddel went astray, and attributed his aberrations to Lord Chesterfield. There was a time when the heads of noble or princely houses, in which young men of family were bred up, were expected to keep an eye to their morals as well as their manners; but it was a little too much to expect a Cabinet Minister to direct the studies or pursuits of a private secretary fresh from Christchurch, singularly precocious for his years, with an approving uncle and a (we presume) not disapproving father to look after him. By way of consolatory assurance to the families of other people, Mr. Reeve states that 'the Journals contain *absolutely nothing* relating to his own family.' They contain a carefully composed character of his father, who died in 1832: a short graphic outline of his paternal grandfather and grandmother; and several allusions to his mother, who died July 1863, in her eighty-ninth year. Shortly before her death, a celebrated spiritualist, never dreaming that a man of his age could have a mother living, told him, at a *séance*, that her spirit was in attendance and ready to answer any question he might wish to ask. He coolly replied that this was needless, as he had been

conversing with her in the flesh only two hours before. She was a woman of considerable personal attractions, and the Duke of Wellington took much pleasure in her society.

It was all very well in moments of despondency, after a black Monday at Tattersall's or when laid up with the gout, to lament the want of a mentor or good angel in the shape of an old Tory statesman; or to exclaim that, like the bard,

> 'He was born for much more, and in happier times
> His soul would have burned with a holier flame.'

The direction was already given to his mind: the taint or tendency was too deeply ingrained to be eradicated; and Lord Bathurst may be excused for not discerning a capacity for better things in a man to whom the management of a Royal racing establishment was one of the noblest objects of ambition at twenty-six.

'*February* 23*rd*, 1821.—Yesterday the Duke of York proposed to me to take the management of his horses, which I accepted. Nothing could be more kind than the manner in which he proposed it.

'*March* 5*th*.—I have experienced a great proof of the vanity of human wishes. In the course of three weeks I have attained the three things which I have most desired in the world for years past, and upon the whole I do not feel that my happiness is at all increased; perhaps if it were not for one cause it might be, but until that ceases to exist it is in vain that I acquire every other advantage or possess the means of amusement.

'*March* 22*nd*.—I was sworn in the day before yesterday, and kissed hands at a Council at Carlton House yesterday morning as Clerk of the Council.'

Two of these three things are obvious; the third is left in doubt. He told a lady who saw the Journal in MS. that the one cause was an unrequited attachment; 'but,' he added, 'it was best for me as it turned out.' He was sadly compromised in a subsequent love-affair which led to a divorce, and left him a store of depressing memories embittered by remorse. He had ample reason more than once to exclaim with Edgar—

> 'The gods are just, and of our pleasant vices
> Make instruments to scourge us.'

During most of the time covered by the first and second volumes, he lived almost exclusively with the *élite* of the sporting and fashionable world—with the women who ruled Almack's when Almack's was a power, and the men who congregated in the bay window at White's, when White's was a sovereign authority on manners, equipage and dress. His Egeria was Madame de Lieven, and his oracle Henry (Lord) de Ros. As

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to friendship, he probably agreed with Selwyn, 'When I lose a friend, I go to White's and get another.' He imbibed the prejudices and spoke the language of his clique: as when he 'admires' an opulent and well-connected family, at whose country house he was a frequent visitor, for presenting a specimen of 'contented mediocrity;' or when he calls the Coronation Peers of 1830 'a horribly low set;'* or speaks of Rogers' 'Human Life' as a failure, and Luttrell's 'Letters to Julia' as a success, although 'Human Life' abounds in genuine poetry, and 'Letters to Julia,' nicknamed 'Letters from a Dandy to a Dolly,' are merely clever sketches of society in verse. The fastidious aristocrat stands confessed in such passages as these:—

'*London, February 22nd*, 1833.—Dined yesterday with Fortunatus Dwarris, who was counsel to the Board of Health; one of those dinners that people in that class of society put themselves in an agony to give, and generally their guests in as great an agony to partake of.'

'*January 2nd*, 1831.—Came up to town yesterday to dine with the Villiers at a dinner of clever men, got up at the Athenæum, and was extremely bored. The original party was broken up by various excuses, and the vacancies supplied by men none of whom I knew. There were Poulett Thomson, three Villiers, Taylor, Young, whom I knew; the rest I never saw before—Buller, Romilly, Senior, Maule, a man whose name I forget, and Walker, a police magistrate, all men of more or less talent and information, and altogether producing anything but an agreeable party. . . . I am very sure that dinners of all fools have as good a chance of being agreeable as dinners of all clever people; at least the former are often gay, and the latter are frequently heavy. Nonsense and folly gilded over with good breeding and *les usages du monde* produce often more agreeable results than a collection of rude, awkward intellectual powers.'

The reflections are just. But the circumstance to which we wish to call attention is, that Charles Buller, John (Lord) Romilly, Senior, Maule (Sir William), and Walker (author of 'The Original'), were, one and all, personally unknown to him in 1831. He never so much as saw Macaulay till the year following, although Macaulay (to say nothing of Cambridge fame) had

* The Marquis of Headfort, the Earl of Meath, the Earl of Dunmore, and the Earl Ludlow were created Barons of the United Kingdom; and nine Commoners were elevated to the Peerage:—Mr. Fox Maule (Panmure); Admiral, afterwards Earl, Cadogan (Oakeley); Sir George Bampfylde (Poltimore); Sir Paul Lawley (Wenlock); Sir Edward Lloyd (Mostyn); Colonel Berkeley (Segrave); Mr. Chichester, grandson of the second Marquis of Donegal (Templemore); and Colonel Hughes (Dinorben). Here are thirteen heads of families contemptuously disposed of in a sentence. They were in reality a more than ordinarily distinguished set.

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flashed into full metropolitan celebrity by his article on Milton in 1825.

Fifty years since the two great parties were separated by a strict line of demarcation, except on neutral ground like Almack's, and for some years after his entrance into the great world, Greville (to use his own expression) 'herded' principally with the Tories. His brother, Algernon, was private secretary to the Duke of Wellington, another high Tory tie, which had no slight influence on his early opinions. As he advanced in life he widened his circle and gladly availed himself of his numerous opportunities to cultivate intimacy with men of intellectual mark of every class.* Gradually, by dint of tact, temper, observation, and experience, he acquired so high a character for judgment, that he became the popular referee, not only in affairs of honour, but in differences of all sorts, social, literary, and political. Although termed the 'Gruncher,' from his habitual tone, he seemed naturally a kind-hearted man, with a wide range of sympathies, and an unfeigned disinterested eagerness to render useful services and oblige. Such, at least, prior to these posthumous indications of character, was the impression of those who knew him best; and the portrait of Sir Gawain, as drawn by the Messrs. Whistlecraft in 1813, might have passed for a flattering likeness of Greville in his prime:—

'On every point, in earnest or in jest,
His judgment, and his prudence, and his wit,
Were deem'd the very touchstone and the test
Of what was proper, graceful, just, and fit:
A word from him set everything at rest,
His short decisions never failed to hit;
His silence, his reserve, his inattention,
Were felt as the severest reprehension.

His memory was the magazine and hoard
Where claims and grievances, from year to year,
And confidences and complaints were stored,
From dame and knight, from damsel, boor, and peer.
Lov'd by his friends and trusted by his Lord,
A generous courtier, secret and sincere,
Adviser-general to the whole community,
He serv'd his friend, *but watched his opportunity*.'*

* 'Prospectus and Specimen of an Intended National Work. By William and Robert Whistlecraft, of Stow-Market, in Suffolk, Harness and Collar-Makers.' John Murray. 1817. Canto i., verses xxiv. and xxv. In an entry of June 21, 1818, Greville sets down:—'I dined at Holland House last Thursday. The party consisted of Lord Lansdowne, Mr. Frere, and Mrs. Tierney and her son. After dinner Mr. Frere repeated to us a great deal of that part of "Whistlecraft" which is not yet published. I laughed whenever I could, but as I have never read the first part, and did not understand the second, I was not so much amused as the rest of the company.'

Some

Some clever verses in a less favourable tone that appeared ten or fifteen years before his death, lead to the conclusion that he was not uniformly successful or satisfactory as a referee. We give a specimen:

'Greville's freaks invite my song,
Greville always in the wrong;
Ever plotting, ever peddling,
Master of all sorts of meddling.
Does a Lady make a slip
In morality or scrip,
Is a quarrel to be made up,
Or a balance to be paid up,
Does a husband (wicked wight)
Stay out very late at night,
Is a note to be convey'd
Without bustle or parade,
To the Turk, the Czar, or Devil—
Ring the bell and send for Greville.'

In 1845 he published a work which fully justified him in thinking that he might have achieved distinction in a higher arena had he not misemployed or frittered away the talents with which God had gifted him. It is remarkable for breadth and soundness of view, good arrangement, complete mastery of the subject, and a clear natural style, occasionally rising into eloquence.*

All things considered, few men could be better qualified for producing a valuable and suggestive record of passing impressions and events. In common, therefore, with the whole round of his acquaintance, we looked forward to the publication of his Journal as to a new source of pleasure and instruction, a rich contribution to history, a repertory of observation and reflexion, a fund of anecdote and wit. Any lurking fear or suspicion that might have been entertained of the anticipated revelations was dispelled by the official position, high character and established reputation of the editor, whose name was accepted as an ample guarantee that the soundest discretion would be exercised throughout, and that no rule of taste or conventional propriety, much less any obligation of honour or principle, would be transgressed. Never, therefore, was surprise greater than ours when we were made acquainted with the contents of these volumes, and learnt from the storm of social reprobation

* 'Past and Present Policy of England towards Ireland.' One vol., 8vo., pp. 373. 1845. This book speedily reached a second edition, but, being published anonymously, seems to have escaped the notice of Mr. Reeve, who does not mention it, although it constitutes Greville's best claim to authority as a political writer and thinker.

which

which they called forth that the almost universal impression of Greville's surviving friends and acquaintance was as unfavourable and painful as our own. It may have been—we believe it was—the result of some unaccountable misapprehension of instructions or authority on the part of the editor; but be the cause what it may, we have no hesitation in declaring—what we shall presently prove in detail—that the publication, taken as a whole, is one which no well-constituted mind can regard without indignation and regret.

Mr. Reeve states in a Preface that Greville left the time of publication to his discretion, 'merely remarking that Memoirs of this kind ought not, in his opinion, to be locked up till they had lost their principal interest by the death of all those who had taken any part in the events they describe.' Is this not much the same as saying that they ought not to be locked up till those who might be annoyed or injured by them are dead? In the Preface Mr. Reeve also states (what we fully believe) that, in the discharge of this trust, he has been guided by no other motive than the desire to act in strict conformity with his (Greville's) own wishes and instructions. 'He himself, it should be said, had frequently revised them with great care. He had studiously omitted and erased passages relating to private persons or affairs, which could only serve to gratify the love of idle gossip and scandal.'

The Journal is contained in ninety-one manuscript volumes, or copy-books. It is broken by frequent chasms (one of eight or ten years), and it was discontinued some years prior to his retirement from his official life. Shortly before his death, he was much troubled in his mind about the Journal: being undecided what to do with it, and apprehensive that portions ought not to see the light during the living generation, or the next, or not at all. He stated repeatedly that he did not feel equal to a complete revisal. He would occasionally take up a volume and make a correction or a note; and we could specify two important erasures suggested by one of the friends to whom the manuscript had been lent. On being reminded that he had been unjust to Lord Lyndhurst (with whom he had always lived in the closest intimacy), he said he really did not remember the passages in question, which (he added) must have been written long ago, and he intimated a wish that they should be struck out; which they would have been had he lived a few days longer. We shall call attention, as we proceed, to many others which could not have escaped the carefully revising hand.

If Greville had lived till 1874, would he have published his Journal as it has been published? Would he have been justified in

in so doing? If not, in what respect does the position of his donee or literary representative differ from his own? The responsibility must rest somewhere; and the essential point is not that the journalist is dead, but that the widows, sons, daughters, and other near relatives or attached friends of the persons offensively introduced (in numerous instances the persons themselves) are alive. If (which we doubt) he really meant the publication to take place so soon after his own personal responsibility was removed by death, he would fall strictly within the principle (we do not say, the letter) of the famous sarcasm levelled by Dr. Johnson against Bolingbroke: 'Sir, he was a scoundrel and a coward: a scoundrel for charging a blunderbuss against religion and morality: a coward because he had not resolution to fire it off himself, but left half-a-crown to a beggarly Scotchman to draw the trigger after his death.' *

A man cannot bestow or bequeath a legal or equitable right he never possessed. No one, morally speaking, has a right to take notes of the private conversation of another, great or small, without his or her knowledge or consent; much less to publish them, or leave them for publication at any time. Shortly after Colonel Gurwood's death, the Duke of Wellington was informed by Sir Charles Smith that Gurwood had been in the habit of taking notes of conversations with the Duke on military subjects. The Duke expressed great indignation at the unwarrantable nature of the proceeding, and immediately wrote to Mrs. Gurwood requesting that the notes might be given up or destroyed; remarking that her husband was no more justified in taking such notes without his (the Duke's) knowledge than in placing a shorthand writer behind the curtains of his dining-room. It turned out that Gurwood, a fortnight before his death, spontaneously and from the pure spirit of honour, had burned the notes, although, from the limited range of topics, they were as inoffensive as notes could be.

There cannot be a stronger example of the manner in which such questions have invariably been judged. Besides, many of Greville's notes relate to proceedings in Council which he had sworn to keep secret. A privileged or official position, inviting the careless confidence of the great, is one which no man of proper feeling would knowingly abuse; and Mr. Reeve suggests rather an aggravation than a palliation when, after dwelling on the liability of those who fill the most exalted stations to the judgment of contemporaries and posterity, he lays down: 'Every

* Boswell's 'Johnson,' ch. xi. Bolingbroke's 'Philosophical Works,' edited by David Mallet, were published in March, 1754, a few days before this sarcasm was uttered.

act,

act, almost every thought, which is brought home to them, leaves its mark, and those who come after them cannot complain that this mark is as indelible as their fame.' Is this a justification for noting down every unguarded word they may let drop, for depreciating nine-tenths of the public men with whom the diarist comes in contact, for imputing the basest motives to statesmen, and heaping the grossest epithets of abuse on kings? If the marks are to be indelible, there ought surely to be a proportionate amount of caution in affixing them.

We begin with a class of notes which it would be difficult to reconcile with official duty, loyalty, or good faith.

'*January 12th*, 1829.—Lord Mount Charles came to me this morning and consulted me about resigning his seat at the Treasury.

'He then talked to me about Knighton, whom the King abhors with a detestation that could hardly be described. He is afraid of him, and that is the reason he hates him so bitterly. When alone with him he is more civil, but when others are present (the family, for instance) he delights in saying the most mortifying and disagreeable things to him. He would give the world to get rid of him, and to have either Taylor or Mount Charles instead, to whom he has offered the place over and over again, but Mount Charles not only would not hear of it, but often took Knighton's part with the King. He says that his language about Knighton is sometimes of the most unmeasured violence—wishes he was dead, and one day when the door was open, so that the pages could hear, he said, "I wish to God somebody would assassinate Knighton." In this way he always speaks of him and uses him. Knighton is greatly annoyed at it, and is very seldom there. Still it appears there is some secret chain which binds them together, and which compels the King to submit to the presence of a man whom he detests, and induces Knighton to remain in spite of so much hatred and ill-usage. The King's indolence is so great that it is next to impossible to get him to do even the most ordinary business, and Knighton is still the only man who can prevail on him to sign papers, &c. His greatest delight is to make those who have business to transact with him, or to lay papers before him, wait in his anteroom while he is lounging with Mount Charles or anybody, talking of horses or any trivial matter; and when he is told, "Sir, there is Watson waiting," &c., he replies, "Damn Watson; let him wait." He does it on purpose, and likes it.'

We need hardly say (although Mr. Reeve could not have been aware of the identity) that Lord Mount Charles is the present Marquis of Conyngham. He comes to consult Greville about a personal matter, and then drops into familiar conversation, in the course of which he tells things which he most assuredly would not have told could he have suspected or guessed that they would be

be noted down and the worst possible interpretation put upon them. The diary proceeds:—

'This account corresponds with all I have before heard, and confirms the opinion I have long had, that a more contemptible, cowardly, selfish, unfeeling dog does not exist than this King, on whom such flattery is constantly lavished.'

Greville was actually engaged in collecting charges against the Conyngham family, in the least defensible manner, about the very time when he was encouraging the blind confidence of Lord Mount Charles. Henri Heine (in reference to the familiar axiom) said that a hero is not a hero to his valet, because the valet *is* a valet, not because the hero is not a hero.* But Greville seems to think that the valet point of view is the best for forming a due appreciation of a king:—

'*August 29th*, 1828.—I met Bachelor, the poor Duke of York's old servant, and now the King's *valet de chambre*, and he told me some curious things about the interior of the Palace; but he is coming to call on me, and I will write down what he tells me then.'

On the 16th of the following month he sends for Bachelor and has a long talk. On the 13th of May, 1829, Bachelor called and sat with him an hour, 'telling all sorts of details concerning the interior of Windsor and St. James.' The old valet must have been given to repetition, and the diarist to forgetfulness, for many of these are printed twice over. A single specimen will suffice:

'The influence of Knighton and that of Lady Conyngham continue as great as ever; nothing can be done but by their permission, and they understand one another and play into each other's hands. Knighton opposes every kind of expense, except that which is lavished on her. The wealth she has accumulated by savings and presents must be enormous. The King continues to heap all kinds of presents upon her, and she lives at his expense; they do not possess a servant; even Lord Conyngham's *valet de chambre* is not properly their servant. They all have situations in the King's household, from which they receive their pay, while they continue in the service of the Conynghams. They dine *every day* while in London at St. James's, and *when they give a dinner* it is

* This saying is attributed to Mr. Carlyle in 'Social Pressure,' by the Author of 'Friends in Council.' This thoughtful and agreeable book contains an essay on 'Over-Publicity,' which concludes by saying that 'this extreme publicity is a snare and a temptation for the great; that it tends to destroy the just privacy of private life; that it furnishes a worthless occupation for mankind in general; and that it is unwholesome, tedious, detractive, indelicate, and indecorous.' We know no more flagrant case of over-publicity than these Greville Memoirs. At all events, it will be a satisfaction to Her Majesty to know that the present Clerk of the Privy Council is not likely to imitate the bad practices of his predecessor.

cooked

cooked at St. James's and brought up to Hamilton Place in hackney coaches and in machines made expressly for the purpose; there is merely a fire lit in their kitchen for such things as must be heated on the spot.'

These details, like the story of the loaded waggons leaving Windsor every night, are a palpable exaggeration of a current scandal which it could serve no useful purpose to revive. We are subsequently told, on the authority of the Duke of Wellington, that 'when the King died, they found 10,000*l.* in his boxes, and money scattered about everywhere; that there were above 500 pocket-books, of different dates, and in every one money—guineas, one-pound notes, one, two, or three in each; there never was anything like the quantity of trinkets and traps they found.' We should have thought that the contents of these pocket-books would have been more tempting and available objects of plunder than the bulky articles which it required waggons to convey. There was a caricature representing a stout lady engaged in removing a stuffed camelopard, which is not much more improbable than the conveyance of the dinners in hackney-coaches and machines.

The day after Greville had received a special mark of kindness from the King, he sets down:—

'He sleeps very ill, and rings his bell forty times in the night. If he wants to know the hour, though a watch hangs close to him, he will have his valet de chambre down rather than turn his head to look at it. The same thing if he wants a glass of water; he won't stretch out his hand to get it. His valets are nearly destroyed.'

This is cited as a conclusive proof of the King's selfishness: yet it was notorious, from the nature of his complaints, that there were times when the slightest exertion or change of position would bring on an access of pain. What is the use of royal establishments of servants, if they are to do nothing which their master might do for himself? Why should they not be used as what they are—superfluities? As for the ringing of the bell forty times in the night, and the valets being nearly destroyed, these must be classed among those exaggerations of language which so constantly inspire distrust.

Let it be observed that Greville, on one occasion, sends for the King's valet, and on another calls upon him, for the purpose of collecting these details. What would be thought of a gentleman in private life who should send for the valet of a friend with the view of ascertaining and noting down that friend's maladies and weaknesses? Yet where is the difference between the cases? except, indeed, to the disadvantage of the diarist, who,

besides

besides being the intimate friend of the Conyngham family, was basking in the sunshine of the Court, and could have given ample evidence, in the shape of repeated acts of kindness, that it was not all made up of selfishness:—

'*December* 18*th*, 1821.—I came to town, went to Brighton yesterday for a Council. I was lodged in the Pavilion and dined with the King.'

'*March* 19*th*.—17*th*.—I received a message from the King, to tell me that he was sorry I had not dined with him the last time I was at Windsor, that he had intended to ask me, but finding that all the Ministers dined there except Ellenborough, he had let me go, that Ellenborough might not be the only man not invited, and "he would be damned if Ellenborough ever should dine in his house."'

Swearing was then the order of the day, and this act of considerate courtesy was not affected by the expletive, evidently noted down to excite a prejudice, like the incident of the Sailor King remarking, 'This is a d—d bad pen you have given me;' or that of George IV. asking the Clerk of the Council, aside at the Council table, whether he was for the horse or the mare—doing (as His Majesty observed to the Duke of Wellington) 'a bit of Newmarket'—probably whilst some formal document was before the Board. Greville must have heard a story highly creditable to George IV., which better merited a place in his Journal than many which he has set down. When Romeo Coates was in the height of his notoriety, some wag sent him an invitation to a party at Carlton House. He went, unconscious of the trick, of which, fortunately, the Regent got timely notice, and gracefully turned the tables by desiring Coates to be presented, and giving him the most flattering reception as an invited and welcome guest. Mr. Meynell Ingram, of Temple Newsham, was staying with his aunt (the Marchioness of Hertford) at the Pavilion, when a large party was expected from London to dine and sleep. He was taken on a tour of inspection through all the bedrooms by the Regent, who remarked, 'You see, Hugo, my boy, when fellows come all the way from Town to visit one, they expect to be made comfortable.'*

It was not in idle mockery that George IV., when Prince of Wales, was termed the first gentleman of the age, and His Majesty had been so well abused already, that Greville would have been better employed in defending him than in trying to outdo in prose the poetic virulence of Moore, who, besides direct attacks like the 'Lines on the Death of Sheridan,' gives vent to it in places where we should least expect to meet with it. Few

* *Ex relatione* Mr. Meynell Ingram.

of

of the dames or damsels who warble the beautiful melody, 'When first I met thee, warm and young,' and pour their whole souls into the concluding verse, are aware that they are personifying Erin and apostrophising George IV.:

'Go, go, 'tis vain to curse,
'Tis weakness to upbraid thee;
Hate cannot wish thee worse
Than guilt and shame have made thee.'

The scattered accounts of William IV. with the comments on his conduct and estimates of his character, although capricious and contradictory, are so contrived as to leave a bad impression on the whole. The first entry after the accession runs thus:

'Never was elevation like that of King William IV. His life has been hitherto passed in obscurity and neglect, in miserable poverty, surrounded by a numerous progeny of bastards, without consideration or friends, and he was ridiculous from his grotesque ways and little meddling curiosity.'

Turning back to an entry of 1827, relating to the formation of Canning's Administration, we find—

'His' (Canning's) 'first measure was, however, very judicious—that of appointing the Duke of Clarence Lord High Admiral; nothing served so much to disconcert his opponents.'

How could this be, if the Duke of Clarence was without consideration or friends?

In imitation of St. Simon and with questionable taste, for the word sounds coarser in modern English than in the seventeenth-century French, Greville constantly speaks of the Fitzclarences as the bastards or *bâtards*. But he was on intimate terms with them, and had no compunction of conscience in laying them under frequent contribution for his diary. Thus, on his way to the Ascot course (June 1835), he overtook Lord Adolphus, who rode with him, and gave him an account of his father's habits and state of mind. As this entry has gone the rounds of the papers, we shall only extract a sentence:

'After breakfast he reads the 'Times' and 'Morning Post,' commenting aloud on what he reads in very plain terms, and sometimes they hear 'That's a damned lie,' or some such remark, without knowing to what it applies.'

On July 30th, 1830, Greville writes: 'I tremble for him (the King): at present he is only a mountebank, but he bids fair to be a maniac.' Within less than four months, all fears and doubts were seemingly at an end:

'*November 17th*, 1830.—The fact is, he turns out an incomparable King,

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King, and deserves all the encomiums that are lavished on him. All the mountebankery which signalised his conduct when he came to the throne has passed away with the excitement which caused it, and he is as dignified as the homeliness and simplicity of his character will allow him to be.'

One would have thought that the King's conduct in delaying the creation of peers and accepting Lord Grey's resignation, would have confirmed Greville's passing good opinion of His Majesty. Unluckily it had the contrary effect:

'*May* 17*th*, 1832.—His ignorance, weakness, and levity put him in a miserable light, and prove him to be one of the silliest old gentlemen in his dominions; but I believe he is mad, for yesterday he gave a great dinner to the Jockey Club, at which (notwithstanding his cares) he seemed in excellent spirits; and after dinner he made a number of speeches, so ridiculous and nonsensical, beyond all belief but to those who heard them, rambling from one subject to another, repeating the same thing over and over again, and altogether such a mass of confusion, trash, and imbecility as made one laugh and blush at the same time.'

His Majesty may have been too fond of speechifying, and (like all who are so) have said many things that he had better have left unsaid; but we mistrust verbatim reports, especially at second-hand; and it is clear from his own showing that the language Greville puts into the royal mouth is commonly his own; for the King's speeches, as given in the Journal, are anything but rambling and confused.

On September 21st, 1836, he undertakes to report, between inverted commas, a speech (or part of a speech) delivered on the 20th of August, from particulars supplied to him the day before (September 20th) by a person who spoke from memory unaided by a note. The scene is Windsor Castle:

'Adolphus Fitzclarence went into his (the King's) room on Sunday morning, and found him in a state of great excitement. It was his birthday, and though his celebration was what was called private, there were a hundred people at dinner, either belonging to the Court or from the neighbourhood. The Duchess of Kent sat on one side of the King and one of his sisters on the other, the Princess Victoria opposite. Adolphus Fitzclarence sat two or three from the Duchess and heard every word of what passed. After dinner, by the Queen's desire, "His Majesty's health, and long life to him" was given, and as soon as it was drunk he made a very long speech, in the course of which he poured forth the following extraordinary and *foudroyante* tirade:—

'"I trust in God that my life may be spared for nine months longer, after which period, in the event of my death, no regency would take place. I should then have the satisfaction of leaving the royal authority to the personal exercise of that young lady (pointing to the Princess), the heiress presumptive to the Crown, and not in the hands of a person now

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now near me, who is surrounded by evil advisers, and who is herself incompetent to act with propriety in the station in which she would be placed. I have no hesitation in saying that I have been insulted—grossly and continually insulted—by that person, but I am determined to endure no longer a course of behaviour so disrespectful to me. Amongst many other things I have particularly to complain of the manner in which that young lady has been kept away from my Court; she has been repeatedly kept from my drawing-rooms, at which she ought always to have been present, but I am fully resolved that this shall not happen again. I would have her know that I am King, and I am determined to make my authority respected, and for the future I shall insist and command that the Princess do upon all occasions appear at my Court, as it is her duty to do." He terminated his speech by an allusion to the Princess and her future reign in a tone of paternal interest and affection, which was excellent in its way.

'This awful philippic (with a great deal more which I forget) was uttered with a loud voice and excited manner. The Queen looked in deep distress, the Princess burst into tears, and the whole company were aghast. The Duchess of Kent said not a word. Immediately after they rose and retired, and a terrible scene ensued; the Duchess announced her immediate departure and ordered her carriage, but a sort of reconciliation was patched up, and she was prevailed upon to stay till the next day.'

Lord Adolphus Fitzclarence was not the most accurate or discreet of mortals. He was prone to improve upon a story. He did not sit two or three off the Duchess, the whole centre of the table being occupied by the royal family, members of the diplomatic body, the great officers of state, &c.; and a month had elapsed before he made his report to Greville. Against it, we are enabled to set an account of the scene by a highly distinguished person, then a member of the household, who was present, and had, moreover, the best possible opportunities of becoming acquainted with the circumstances which preceded and, in part, led to it.

'The King's constant wish was that the Princess, for whom he entertained the fondest affection, should visit him frequently, in order, as he said, to become acquainted with the details and procedure of public affairs. "I am an old man, and must soon go to my grave. I anxiously wish that the Duchess would let the Princess come to me; but she keeps her away from me." This was not said once or twice; it was constantly before the King's mind, and he referred to it again and again.' Sir Herbert Taylor and our informant expected an explosion on account of this, the fixed idea which possessed their royal master's mind, and waited with corresponding anxiety for the speech. This was delivered in giving the health of the Princess, not, as Greville's report

report would imply, in acknowledging the toast of 'The King' or 'His Majesty's Health': a toast, we believe, which never is acknowledged. 'After having uttered, in a voice broken with emotion, a panegyric on his niece's character, and pointed to the great position she must soon be called to fill, he said it had always been his wish to make her acquainted with those rules of conduct by which Sovereigns of the House of Hanover had ever been guided, and also to show her the details of the kingly office, which could only be learnt by personal acquaintance with routine. "But a person that is in my eye," that was his expression, looking the Duchess full in the face, "has taken upon herself to prevent it; but, by God's help, she shan't succeed." Upon this the Duchess looked uncommonly uncomfortable. Somebody (not the Princess) burst into tears; and there was a sort of rustling sound from the whole assembly which drowned the last words of the King's speech. Recovering quickly from his emotion, the King said in his usual firm voice, "Let the band play;" and the band played, and the company recovered its serenity.'

It will be observed that in Greville's report the essential point is missed. The Princess is made an object of the tirade as well as the Duchess; and the grand grievance or gravamen is, that the Princess had been kept, not from personal communication with the Sovereign, but from his Drawing-rooms. As to the 'terrible scene' that ensued when the royal ladies retired, it existed only in the lively imagination of the narrator, although no doubt they were agitated and distressed.

On July 1st, 1835, Greville reports what he terms 'a most curious burst of eloquence from His Majesty.' It was addressed to Sir Charles Grey, who (we are told by Mr. Reeve in a note) had just been appointed Governor of Jamaica. Unluckily Sir Charles Grey was not appointed Governor of Jamaica till 1843, six years after the King's death. If the speech was delivered at all, it must have been on Sir Charles Grey's appointment to the Canadian mission with Lord Gosford.

At a small private dinner, including some foreign guests, the King repeated, *as an anecdote*, the toast given by a Duke of Brunswick in the last century at a ceremonial dinner at Windsor. It was in verse, and two of the four lines contain words proscribed by modern delicacy or prudery, although frequently used by classical French writers, male and female, like Madame de Sévigné and Voltaire. Greville actually represents the King as giving the toast—'a very coarse toast'—at a great dinner: 'a dinner of ninety guests, all his Ministers, all the great people,

and all the foreign Ambassadors:' in fact, of doing what he described the Duke of Brunswick as having done.

After expressly saying that the King was 'such an ass' that nobody did anything but laugh at what he said, and giving an exaggerated account of a scene with Lord Torrington, Greville adds: 'Torrington is a young man in a difficult position, or he ought to have resigned instantly and as publicly as the insult was given.' Lord Torrington did resign, and the matter was immediately set right: the King requesting that nothing more should be said about it. Would it not have been as well to inquire whether Lord Torrington had resigned before writing down or publishing that he had not?

In reference to the King's approaching death, Greville remarks: 'The public in general don't seem to care much, and only wonder what will happen.' This is in marked contrast to the impressions of a more trustworthy diarist:—

'*June*, 1837.—The reign is not yet quite a week old, and yet how many strange occurrences and stranger feelings one wishes to recall, that all have passed before the eyes or in the mind in this short space. First, how strange it is that, in thinking of a departed Sovereign, one can from the bottom of the heart pray, "*May my latter end be like his.*" Who that can look back some years—who would have thought that he would have died more loved, more lamented, than either of his predecessors on the throne? . . . .

'It is very interesting to compare the appearance of the town now, with that which it wore after the death of George IV.; *then* few, very few, thought it necessary to assume the mask of grief; *now* one feeling seems to actuate the nation; party is forgotten, and all mourn, if not so deeply, quite as unanimously, as they did for Princess Charlotte.'*

In the concluding paragraph of the third volume, qualified with faint praise, it is said that 'he (the King) always continued to be something of a blackguard and something more of a buffoon;' strong expressions to apply to the uncle of the reigning Sovereign, who stands in no need of an invidious contrast to place her grace and dignity of demeanour in broad relief.

The following memorandum was drawn up by the highly distinguished person to whom we have been already indebted, and we print it verbatim:—

'When the King's end approached, Sir Herbert Taylor sent me to London to tell Lord Melbourne that His Majesty wished particularly to go to Brighton; it was thought the sea-air might be of service to him. I went to South Street in the

* 'Diaries of a Lady of Quality.' Second edition, p. 296.

morning

morning and found Lord Melbourne at his toilet, in the middle of the operation of shaving. "Well," he said, "what have you to tell me?" and he continued to shave. I delivered my message. "Well," he said, "and when will the King go to Brighton?" "Never!" I answered. "Never!" said Lord Melbourne, laying down his razor, "what do you mean?" "I mean," I replied, "that the King is dying; he will never leave Windsor alive." Lord Melbourne looked thunderstruck. "Why," he said, "I have never heard a word of this;" and the conversation then turned upon various matters, among which the King's charities were named. "How much does the King give away in charity?" asked Lord Melbourne. "Thirty thousand pounds a year," I replied. "It's impossible," said Lord Melbourne. I said, "But I have seen the Privy Purse accounts often enough to know that what I tell you is fact; and if you will examine those accounts for yourself, you will find what I say true."

'He seemed quite stupefied by the interview, and sat, half-shaved, musing—musing—musing. After waiting for several minutes, and finding that he asked me no more questions, I left him, still sitting before his glass, and apparently absorbed in a deep contemplation of his razor. He never moved or spoke as I left the room.'

'The first thing the King did, after his accession, was to pay his debts. He then made equal provision for his children. His eldest son, George FitzClarence, wished to be made a Peer and Governor-General of Australia. The King said repeatedly, "The days of Charles II. are gone by; I will never make an eldest son—you (his children) shall share and share alike." And he kept his word. George FitzClarence then applied to Lord Grey to be made a Peer. Lord Grey made known the fact to the King, who said that he would neither make nor meddle in the affair, and that, if Lord Grey thought proper to make his son a Peer, he might do so on his own responsibility; and Lord Grey did make George FitzClarence a Peer on his own responsibility. 'No sooner was he created Earl of Munster, than he applied to the King by letter to "*doter*" his Peerage. He used that French word. His letter was read and marked, in the usual course of business, "Dotation for Munster Peerage.' 'The King said what he gave him would have to be taken from his brothers and sisters, and as he had steadfastly determined not to imitate Charles II., he absolutely refused his son's application.'*

* William IV. would allow no part of his Hanoverian revenue to be spent out of Hanover; and he left accumulations from it to the amount of £300,000 at the disposal of his successor, King Ernest, instead of dividing the money amongst his children.

'From so much as I have read in extracts of the "Greville Memoirs," I consider that Mr. Greville knew nothing whatever of the *mind* of William IV. Of his truthfulness, kind-heartedness, attention to business, simplicity of life, tenderness to the Queen, love of his children, care of his servants, perpetual thoughtfulness and watchfulness for the public welfare, never failing, even when suffering torture from rheumatic gout in hands and feet, to attend levées, sign papers, and make (for a man of his age) considerable bodily exertion, when others would have sent for the doctor and gone to bed—of all these things I suspect Mr. Greville knew, and apparently cared, nothing.'

'The King, at times, was rough and curt in speech: he carried the quarter-deck into the drawing-room occasionally; but who ever heard a low maxim from this thorough Englishman? He gloried in his country, and, according to the faculties which God had granted him, he served it faithfully, passionately, honestly, loyally. He never forgot an old friend—witness those grey-headed old captains of the merchant-service who so often came to see him at Windsor, and who always called him "Your Royal Highness." The manners of the age had undergone a complete revolution between the date of his birth and that of his accession; and a man who can notice certain peculiarities of manner of the last century (or the commencement of this), and attribute them either to madness or innate ill-breeding, must be as ignorant as he is malevolent.'

'No scandal about Queen Elizabeth, I hope,' exclaims Mr. Sneer in the 'Critic.' Greville is not so scrupulous about Queens. After recording a joke of Lord Alvanley's, utterly unfit for publication (which Mr. Reeve italicises), he makes use of confidential communications to point and elucidate it for the benefit of the uninitiated:—

'*January* 3*rd*, 1833.—Lady Howe begged her Husband to show me the correspondence between him and Sir Herbert Taylor about the Chamberlainship . . . I told him my opinion of the whole business, and added my strenuous advice that he should immediately prevail on the Queen to appoint somebody else. . . . Lady Howe, who is vexed to death at the whole thing, was enchanted at my advice, and vehemently urged him to adopt it. After he went away she told me how glad she was at what I had said, and asked me if people did not say and believe everything of Howe's connexion with the Queen, which I told her they did.'

Then he told her what was notoriously not the fact; and he directly goes on to say that what passed was enough to satisfy him that there was 'nothing in it.' Then why perpetuate the scandal? Are we to suppose that he frequently revised these entries

entries with great care, without its ever once occurring to him that to leave them for publication would be an offence against loyalty, delicacy, and propriety?

After applying sundry offensive epithets to Queen Adelaide's person, Greville does his best, on the strength of a ridiculous blunder, to depreciate her birth and family:

'*August* 19*th*, 1834.—On Sunday I went all over the private apartments of Windsor Castle, and walked through what they call "the slopes" to the Queen's cottage; all very splendid and luxurious. In the gallery there is a model of a wretched-looking dog-hole of a building, with a ruined tower beside it. I asked what this was, and the housekeeper said, "The Château of Meiningen;" put there, I suppose, to enhance by comparison the pleasure of all the grandeur which surrounds the Queen, for it would hardly have been exhibited as a philosophical or moral memento of *her humble origin* and the low fortune from which she has been raised.'

'*September* 4*th*.—Errol told me she (the Queen Consort) showed them her old bedroom in the palace (as they call it) at Meiningen—a hole that an English housemaid would think it a hardship to sleep in.'

A gentleman who filled a high position in the Queen Consort's household, has supplied us with a note on this passage:

'The housekeeper, at the period referred to, was an intelligent woman, who knew as well as I did that the model in question was one of Altenstein, a ruined "Schloss," which the Duke of Saxe-Meiningen had the idea of converting into a summer residence. The model had been sent to Windsor for the purpose of enabling Sir Geoffrey Wyatville to prepare a plan for restoring the Schloss. The "Schloss" at Meiningen is a vast substantially-built structure in the usual style of German "Residenzes." The reception rooms were large and handsome, and the private apartments exceedingly comfortable and well furnished.' Is it credible that no better bedroom than a hole could be found in such a residence for a princess?*

The electoral, now royal, House of Saxony (of which the Houses of Saxe-Meiningen, Saxe-Coburg-Gotha, and Saxe-Weimar are branches) is one of the most ancient and illustrious of the reigning Houses of Europe; and to talk of the humble origin of the daughter of an hereditary prince and sovereign is sheer ignorance or silly affectation.

Little less censurable is the use Greville makes of the details

* According to the 'Penny Encyclopædia,' the Schloss has a frontage of 500 feet with two wings, and contains a library of 28,000 volumes. It is now used for public offices; a new palace having been built for the residence of the ducal family.

of

of a disreputable affair, which had been confidentially communicated to him by both parties:—

'*August 8th.*—There is a story current about the Duke of Cumberland and Lady Lyndhurst which is more true than most stories of this kind. The Duke called upon her, and grossly insulted her; on which, after a scramble, she rang the bell. He was obliged to desist and to go away, but before he did he said, "By God, madam, I will be the ruin of you and your husband, and will not rest till I have destroyed you both."'

Ten days afterwards, August 18th:

'Yesterday, I met the Chancellor (Lord Lyndhurst) at the Castle at a Council. He took me aside and said that he wished to tell me what had passed, and to show me the correspondence.'

A note is taken of the principal letters, with or without leave, and these are now given to the world. Then (August 22nd) comes Sir Henry Cooke, on the part of the Duke of Cumberland, who wishes Greville to call on him and hear his statement of the facts; which was that Lady Lyndhurst had begged him to call upon her, then to dine with her, and upon every occasion had encouraged him:—

'I heard all he had to say, but declined calling on the Duke. . . . The Chancellor has since circulated the correspondence among his friends, but with rather too undignified a desire to submit his conduct to the judgment of a parcel of people who only laugh at them both, and are amused with the gossip and malice of the thing.'

It can be only to amuse fresh and similar parcels of people that 'the gossip and malice of the thing' are revived, with a completeness and authority which were wanting at the time and which in no other manner could have been conferred upon them. But, of course, scandal loses its noxious quality, or, at all events, ceases to affect 'private persons or affairs,' when a royal duke is the principal performer in the piece.

Of the Duke of York he says: 'I have been the minister and associate of his pleasures and amusement for some years; I have lived in his intimacy and experienced his kindness.' Yet the general impression he conveys of His Royal Highness is far from favourable:—

'Although his talents are not rated high, and in public life he has never been honourably distinguished, the Duke of York is loved and respected. He is the only one of the Princes who has the feelings of an English gentleman; his amiable disposition and excellent temper have conciliated for him the esteem and regard of men of all parties, and he has endeared himself to his friends by the warmth and steadiness of his attachments, and from the implicit confidence they all

all have in his truth, straightforwardness, and sincerity. He delights in the society of men of the world and in a life of gaiety and pleasure. He is very easily amused, and particularly with jokes full of coarseness and indelicacy; the men with whom he lives most are *très-polissons*, and *la polissonnerie* is the *ton* of his society.'

Considering the times, we might be willing to make allowance for the royal taste in this respect, but Greville takes care to remind us of a few other things, such as owing money right and left—play debts included—which jar a little with the *beau ideal* of an English gentleman; and His Royal Highness's alleged depreciation of the Duke of Wellington, coming from a Commander-in-Chief who must or might have been acquainted with the truth, is quite irreconcilable with the frank manliness of his character. It does not mend the matter to be told that his dislike of the Duke arose from a belief that he himself would have been appointed to the command of the Peninsular army instead of Sir Arthur Wellesley had not His Royal Highness been 'betrayed.' As the result of various conversations with His Royal Highness, Greville says (what might easily be disproved): 'I think it not possible for any man to have a worse opinion of another man than the Duke (of York) has of the King.' In the account of the Duchess, the virtues are thrown into the shade by the eccentricities, and she is made to appear not more refined than her husband in point of taste:—

'Her mind is not perhaps the most delicate: she shows no dislike to coarseness of sentiment or language, and I have seen her very much amused with jokes, stories, and allusions which would shock a very nice person.'

The establishment at Oatlands is thus described by the grateful partaker of its hospitality:—

'Oatlands is the worst-managed establishment in England; there are a great many servants and nobody waits on you; a vast number of horses, and none to ride or drive.'

The reckless extravagance of the royal host and hostess is illustrated by the sudden break-up of 'an immense party, the most numerous ever known there. The Duchess wished it to have been prolonged, but there were no funds. The distress they are in is inconceivable.'

The second novel of Boccaccio is the story of the conversion of a wealthy French Jew, which was brought about by a journey to Rome, where he was irresistibly struck by the dissolute habits, impiety, and immorality of the hierarchy and priesthood, from the Pope downwards. Seeing that the Christian religion flourished in spite of all they had done and were doing to discredit

credit it, he came to the conclusion that it must be the truest, the most divine, and was baptized into it forthwith.

On reverting to this novel, it occurred to us that the Clerk and the Registrar of Her Majesty's Privy Council, in their capacity of loyal servants of the Crown, must have meditated the conversion of republicans by an analogous train of reasoning; or why, in a book blazoning their official designations on the title-page, should they have accumulated so many alleged instances of royal vice and folly, except for the purpose of demonstrating the inherent excellence of the monarchy which stands unshaken by the strain? At the same time it may be as well to bear in mind that vice and folly in princes have generally proved less dangerous to free institutions than morality, sobriety, and fixed principles of right. Charles I., a pattern of the domestic virtues, tried to arrest the five members in defiance of the privileges of Parliament, and died on the scaffold. Charles II., a selfish sensualist, passed the Habeas Corpus Act, and died quietly amongst his courtiers, courteously apologising to them for being so long about it, and leaving a safe throne to his more conscientious brother, who bartered it for a Mass.

Lord Byron said or sang of George III. :—

'A better farmer ne'er brush'd dew from lawn.'

Nor, we would add, a better husband or father of a family; but he prolonged the American War of Independence and indefinitely postponed the conciliation of Ireland (which we begin to think never will be conciliated) by dogged adherence to his principles. He had a strong will of his own, and never fully accepted or acted on the constitutional doctrine, *Le Roi règne et ne gouverne pas.* George IV. behaved unexceptionally in this respect. He never insisted long on a line of policy disapproved by his responsible advisers; and the capital charge on which satirists rang the changes was, that he had no personal leanings or was always ready to sacrifice them to expediency.

'I am proud to declare I have no predilections,
My heart is a sieve, where some scatter'd affections
Are just danced about for a moment or two,
And the *finer* they are, the more sure to run through.'*

William IV., again, although he jibbed a little when he thought the Reform Ministry were driving him too fast, held the balance fairly between the conflicting parties, and seemed simply

* Moore's 'Parody of a Celebrated Letter.' (From the Regent to the Duke of York.)

anxious

anxious to consult the welfare of his people and carry out their constitutionally expressed wishes.

It is almost superfluous to add that, whilst indicating the causes which have happily prevented preceding monarchs from weakening monarchy by their extravagance or their eccentricity, we are not blind to the vast increase of strength it has acquired from a reign like the present, in which the domestic virtues of the Sovereign have been no less eminent than her enlightened appreciation and observance of the true spirit of our institutions.

Greville speaks in the same disparaging manner of the great landed aristocracy; admitting all the while that they are the bulwarks of the throne. 'What great men are Lord Lonsdale, the Duke of Rutland, and Lord Cleveland; but strip them of their wealth and power, what would they be? Amongst the most insignificant of mankind.' This recalls Crambo's attempt to form an abstract notion of a Lord Mayor without his furred robe, gold chain, and other ensigns of his dignity.

It is not unusual for Greville to lay down a rule for his own condemnation. In the affair of 'Who's the Traitor?' the charge against Sheil was, that he had approved in private a measure (the Irish Coercion Act) which he had publicly opposed.

'Hill (the accuser) called witnesses; one of whom, Macaulay, refused to speak. He said he would not repeat what had been said in private conversation. The Committee approved, and Hill threw up his case.'

Sir Francis Burdett went further than Macaulay, saying, that his memory was so constituted as not to retain any conversation that passed at or after dinner. Greville calls it 'a silly and discreditable business.' Yet he himself, if summoned as a witness in such a case, might have been served with a *subpœna duces tecum* and required to produce his notes. To name one occasion among a score, he writes down two private conversations with Lord Melbourne, for the express purpose of establishing a charge of political treachery, very similar to that against Sheil.

Whilst the Reform Bill was yet pending (April 1st, 1832), he represents Lord Melbourne intimating a wish that it might be thrown out, and asserting that the Government could not be carried on without the rotten boroughs.

'We had a great deal more talk, but then it is all talk, and *à quoi bon* with a man who holds these opinions, and acts as he does?'

Greville was obviously prone to confound what he himself said in the course of conversation with what was said by others, and

and to mistake a partial agreement, or a courteous non-denial, for unequivocal assent. Lord Melbourne may have regretted the loss of the rotten boroughs, whilst convinced of the impossibility of retaining them. Every sane politician must have felt that it had become impossible. Even Canning, their most eloquent advocate, must have given them up in 1832.

On February 7th, 1832, Lord Melbourne 'extremely surprised' him by stating 'that *all* the members of the Cabinet were *bonâ fide* alarmed at, and averse to, the measure (the Reform Bill).'

'We then parted. Downstairs was Rothschild the Jew waiting for him, and the *valet de chambre* sweeping away a *bonnet* and *shawl!*'

It is a pity he did not peep into the dining-room to see if covers were laid for two.

'Stanley (not the ex-Secretary, but the Under-Secretary) told me last night an anecdote of Melbourne which I can very easily believe. When the King sent for him he told Young "he thought it a damned bore, and that he was in many minds what he should do—be Minister or no." Young said, "Why, damn it, such a position never was occupied by any Greek or Roman, and, if it only lasts two months, it is well worth while to have been Prime Minister of England." "By God, that's true," said Melbourne; "I'll go." Young is his private secretary—a vulgar, familiar, impudent fellow, but of indefatigable industry, and a man who suits Melbourne.'

Lord Melbourne, careless and frank, had a high-bred air which repelled undue familiarity. Tom Young's manner towards him was invariably respectful: rather that of an upper servant than of an equal, or of an intimate member of his society, which, indeed, Young never was. His business was to make himself generally useful. The style of the remonstrance, too, is entirely out of keeping with the character. Greeks and Romans were not at all in Young's line. He began life as a purser; and Greville says he was a writer and runner for the newspapers, which is only half true. He was a runner, not a writer.*

The only statesman or public man of note whom Greville does not systematically depreciate, is Canning, a connection through the Bentincks; and the refusal to join Canning was, we fancy, at the bottom of his persistent hostility to Lord Grey.

'*June 17th*, 1827.—Lord Grey is in such a state of irritation that he will

* Lord Houghton says in his 'Monograph of Sydney Smith': 'He was, indeed, not given to severe censure, but could convey it under light words when he chose; thus, when he checked the strong old-fashioned freedom of speech in Lord Melbourne, by suggesting that "they should assume everything and everybody to be damned and come to the subject."' Sydney Smith never addressed Lord Melbourne in this fashion.

will hardly speak to any of his old friends, and he declares that he will never set his foot in Brookes's again.'

This is sheer fabrication.

'More than this,' (continues Greville,) 'when it was the unanimous opinion of all the Whigs who joined Canning, that they could not join an Administration of which Peel formed part, this opinion was warmly combated by Lord Grey, who contended that there was no reason why they should not coalesce with Canning *and* Peel.'

Lord Grey had formally declared in 1812, that he would be no party to any Government which was not formed on the principle of carrying Catholic emancipation.* Canning's Government was formed on the neutral or open question principle, like Lord Liverpool's. The junction with Peel would have confirmed Lord Grey's objections instead of removing them, and to assert that he contended for it is absurd.

'What induced him to alter his opinion so decidedly and to become so bitter an enemy to the present arrangements does not appear, unless it is to be attributed to a feeling of pique and resentment at not having been more consulted, or that overtures were not made to himself. The pretext he took for declaring himself was the appointment of Copley to be Chancellor, when he said that it was impossible to support a Government which had made such an appointment.'

He could not alter an opinion he never entertained: and he had no need of a pretext for acting on his known and frequently declared views. He, moreover, had distrusted Canning since 1806.

We pass on to December 12, 1830, the third week of the Reform Administration; when, after expressing his conviction that a more overrated man than the new Premier never lived: that he was influenced by pride, still more by vanity, caprice, and 'a thousand weaknesses:' that 'anybody who *is* constantly with him, and can avail *themselves* of his vanity, can govern him;' that 'now Lambton (Lord Durham) is all in all with him'—Greville proceeds:

'Everybody remembers how Lord Grey refused to lead the Whig party when Canning formed his junction with the Whigs, and declared that he abdicated in favour of Lord Lansdowne; and then how he came and made that violent speech against Canning which half killed him with vexation, and in consequence of which he meant to have moved into the House of Lords for the express purpose of attacking Lord Grey. Then when he had quarrelled with his old Whig friends he

* Letter of Lords Grey and Grenville to the Duke of York, dated Feb. 15, 1812, published in the Appendix to 'The Life and Opinions of Charles, second Earl Grey;' by his son, General Grey.

began

began to approach the Tories, the object of his constant aversion and contempt; and we knew what civilities passed between the Bathursts and him, and what political coquetries between him and the Duke of Wellington, and how he believed that it was only George IV. who prevented his being invited by the Duke to join him. Then George IV. dies, King William succeeds; no invitation to Lord Grey, and he plunges into furious opposition to the Duke.'

Here again is a mass of misstatement, with the exception of what relates to the speech against Canning and its effects. Any one would suppose that the Whigs went over in a body to Canning; the fact being that Lord Althorpe, Lord Folkestone, Lord Howick, Sir John Hobhouse, and several others, stood aloof with Lord Grey, who was not required to abdicate. If he did abdicate, when and why did he resume the leadership?

After the lamentable break-up of Lord Goderich's Government, Lord Grey saw no prospect of any but the Duke's, and was, therefore, unwilling to oppose it, until the Duke crossed the Rubicon by his memorable declaration against Reform. This, not the death of George IV., was the turning-point. We have the best authority for stating, as matter of fact, that Lord Grey never contemplated joining the Duke at any time: that no political coquetries passed between them, and that no advance towards a junction was ever made on either side; although it is just possible that feelers may have been put forth by the Duke's friends.* As matter of probability or speculation, if Lord Grey was not only ready to give up the proud position he occupied as leader of the Whig party, but eager to join the Duke of Wellington after refusing to support Canning, all we can say is, he must have been smitten with political blindness of the most unaccountable kind. The grand opportunity for which he had patiently waited was obviously at hand; the Tories were getting weaker and weaker; the Reform cry was in the wind; and this is the time when, towards the close of a consistent and honourable career, he was willing (we are assured) to fling principle and consistency to the winds, to coalesce with the objects of his 'constant aversion and contempt.'

There is not, we repeat, the semblance of plausibility in these charges against Lord Grey, nor are they strengthened by what comes next:

'About three years ago the Chancellor, Lyndhurst, was the man in the world he abhorred the most; and it was about this time that I

* Mr. Frankland Lewis (we have heard) sounded Lord Grey and reported that *some* measure of Reform was a *sine quâ non*. The Duke had taken his ground on Reform when he broke with Huskisson.

well

well recollect one night at Madame de Lieven's I introduced Lord Grey to Lady Lyndhurst. We had dined together somewhere, and he had been praising her beauty; so when we all met there I presented him, and very soon all his antipathies ceased, and he and Lyndhurst became great friends. This was the cause of Lady Lyndhurst's partiality for the Whigs, which enraged the Tory ladies and some of their lords so much, but which served her turn and enabled her to keep two hot irons in the fire. When the Duke went out Lord Grey was very anxious to keep Lyndhurst as his Chancellor, and would have done so if it had not been for Brougham, who, whirling Reform *in terrorem* over his head, announced to him that it must not be.'

If Lord Lyndhurst had consented to be Lord Grey's Chancellor he must have adopted Lord Grey's views and become a Reformer, which, by the way, he might have become without more sacrifice of principle than three or four members of Lord Grey's Cabinet who had been as vehement anti-Reformers as himself. It seems agreed on all hands that no offer was actually made to him, and the notion that he would have accepted it, has no better foundation than the language and conduct of his wife.* Except when he acted with the Duke of Wellington and Sir Robert Peel, there is no act of Lord Lyndhurst's public or political life that can be fairly adduced in impeachment of his consistency.

On April 9th, 1835, the day after Peel's ministry had resigned, Greville sets down:—

'Lord Grey is to be with the King this morning. He was riding quietly in the park yesterday afternoon, and neither knew nor cared (apparently) whether he had been sent for or not. His daughter told me (for I rode with them up Constitution Hill) that his family would not wish him to return to office, but would not interfere. She then talked, much to my surprise, of the possibility of a junction between him and Peel.'

The daughter has no recollection of the incident. Lord Grey advised the King to send for Lord Melbourne: all thought of his own return to office had been given up, and nothing of the sort could have been said.

Whatever Greville's judgment may have become eventually, no reliance could be placed upon it during most of the time

* '*Sept. 24th*, 1831.—Dined at Richmond on Friday, with the Lyndhursts. The *mari* talks against the Bill; the woman for it. They are like the old divisions of families in the Civil Wars.' This was Lord Lyndhurst's first wife, who died in January, 1834. His second wife, whom he married in August, 1837, a woman of sense and spirit, always looked up to him with reverential affection, and, from her devotion to his memory, no one has been more severely wounded by this book. She, like her lamented husband, was one of Greville's most intimate friends, and conversed with him on the subject of his Journal a few hours before his death.

included

included in this publication. He had no insight into character. He saw little or nothing in many of his most distinguished contemporaries until their eminent qualities were recognised by the world. Turn, for example, to his first impressions of Prince Leopold (the King of the Belgians), Lord Auckland, Lord Palmerston, Sir James Graham, the late Earl of Derby, Lord Melbourne, the Duke of Wellington, &c. Although he saw fit to change or modify these impressions before he died, and has left notes or memoranda to that effect, they are not the less a test of his original powers of observation; nor can we accept them as what the editor calls 'a contemporary record of opinion, honestly preserved.' They are the opinions of a cross-grained individual who differed widely from his contemporaries, and (except perhaps when the progress of a master-mind, a really superior intellect, is to be traced) we see no use in preserving the opinions of an individual when he was confessedly wrong.*

On the formation of Lord Grey's Government, November 20, 1830, he sets down:—

'Graham Admiralty, Melbourne Home, Auckland Board of Trade—all bad. The second is too idle, the first is too inconsiderable, the third too ignorant.'

The editor remarks in a note:—

'This is a remarkable instance of the manner in which the prognostications of the most acute observers are falsified by events. The value of Mr. Greville's remarks on the men of his time consists not in their absolute truth, but in their sincerity at the moment at which they were made. They convey a correct impression of the notion prevailing at that time.'

They do *not* convey a correct impression of the notion prevailing at that time. We can show from the Journal that they do not. Three weeks afterwards (December 12), reviewing Graham's career, he says:—

'Time and the hour made him master of a large but encumbered estate and member for his county. Armed with the importance of representing a great constituency, he started again in the House of Commons; took up Joseph Hume's line, but ornamented it with graces and flourishes which had not usually decorated such dry topics. He succeeded, and in that line is now the best speaker in the House.'

Why is the term 'inconsiderable' applied to such a man? This is explained in the same entry:—

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* Speaking of Guizot in 1830, he described him as 'unused to and unfit for official business.' This Mr. Reeve terms 'a curious estimate, taken at the time of the man who for the next eighteen years had a larger share of official life and business than any other Frenchman.'

'Graham's

'Graham's elevation is the most monstrous of all. He was once my friend, a college intimacy revived in the world, and which lasted six months, when, thinking he could do better, he cut me, as he had done others before. I am not a fair judge of him, because the pique which his conduct to me naturally gave me would induce me to under-rate him, but I take vanity and self-sufficiency to be prominent features of his character, though of the extent of his capacity I will give no opinion. Let time show; I think he will fail.'

If confessedly not a fair judge, why not withhold a judgment? The odd thing about Greville is, that self-examination never acts on him as it does on most others. It exercises no restraining, improving influence on his conduct or his mind. He is like one of the frail *dévotes*, of whom we read in Catholic countries, who confess, receive absolution, and start fresh.

Reverting to Lord Melbourne, he says: 'He has surprised all those about him by a sudden display of activity, vigour, rapid and diligent transaction of business, for which nobody was prepared.' No one who understood Lord Melbourne was surprised, and all who saw below the surface would have agreed with Sydney Smith when, after avowing a belief that 'our Viscount is somewhat of an impostor,' he remarks: 'I am sorry to hurt any man's feelings, and to brush away the magnificent fabric of levity and gaiety he has reared; but I accuse our Minister of honesty and diligence.'

Assuming that Greville's estimates, confessedly superficial and unsound, convey the popular impression of the time, this would prove him an accurate foolometer at best. A collection of vulgar errors may have its uses, but the praise of a 'most accurate observer' can hardly be claimed for the collector who believes in each of them till it is corrected by events.*

With the exception of Lord Grey, the statesman whom Greville most perseveringly vituperates is Peel:—

'*December 15th*, 1836.—It is very true (what they say Peel said of him, the Duke of W.) that no *man* ever had any influence with him, only *women*, and those always the silliest. But who are Peel's confidants, friends, and parasites? Bonham, a stock-jobbing ex-merchant, Charles Ross, and the refuse of society of the House of Commons.'

Peel was constantly on the look-out for rising men of talent,

* If Greville's estimate of the Reform Ministry had been correct, they must have speedily broken down from sheer incapacity. He says of the Duke of Richmond, that 'his understanding lies in a nutshell, and his information in a pin's head;' of Stanley, the late Earl of Derby, the political Rupert, that 'he does not appear to be a man of much moral or political firmness and courage, a timid politician, *ignavus adversum lupos*;' of Lord Althorpe, that, 'he would certainly go out in a few months, and *that he would go on the turf*.'

who

who became his attached followers and friends. The late Duke of Newcastle, the late Lord Herbert of Lea, Mr. Gladstone, and Lord Cardwell, are prominent examples.

In reference to the Ministerial interregnum after the resignation of the Reform Cabinet, Greville writes:

'*May 17th*, 1832.—The first impression was that the Duke of Wellington would succeed in forming a Government, with or without Peel. The first thing he did was to try and prevail upon Peel to be Prime Minister, but he was inexorable. He then turned to Baring, who, after much hesitation, agreed to be Chancellor of the Exchequer. The work went on, but with difficulty, for neither Peel, Goulburn, nor Croker would take office. They then tried the Speaker (Manners-Sutton), *who was mightily tempted to become Secretary of State*, but still doubting and fearing, and requiring time to make up his mind. At an interview with the Duke and Lyndhurst at Apsley House he declared his sentiments on the existing state of affairs in a speech of three hours, to the unutterable disgust of Lyndhurst, who returned home, flung himself into a chair, and said that "he could not endure to have anything to do with such a *damned tiresome old bitch*."'

If Lord Lyndhurst did use such an expression, he had high authority for it. 'What's the matter with the auld bitch next?' said an acute metaphysical judge, though somewhat coarse in his manners, aside to his brethren. 'This is a daft cause, Bladderscate . . . What say ye till't, ye bitch?'* Sir Walter adds, in a note, that 'tradition ascribes this whimsical style of language to the ingenious and philosophical Lord Kaimes.'

The subject of the Tory failure to form a Government is resumed in an entry of October 26th, *i.e.* after an interval of six months, during which Greville had recently 'picked up' a good deal from Arbuthnot (described as 'very garrulous'), which he sets down as undoubted fact. Then comes the broad general conclusion, which is to annihilate Sir Robert:—

'I am not sure that I have stated these occurrences exactly as they were told me. There may be errors in the order of the interviews and *pourparlers*, and in the verbal details, but the substance is correct, and may be summed up to this effect: that Peel, full of ambition, but of caution, animated by deep dislike and jealousy of the Duke (which policy induced him to conceal, but which temper betrayed), thought to make Manners Sutton play the part of Addington, while he was to be another Pitt; he fancied that he could gain in political character, by an opposite line of conduct, all that the Duke would lose; and he resolved that a Government should be formed the existence of which should depend upon himself. Manners Sutton was to be his creature; he would have dictated every measure of

* 'Red Gauntlet,' chap. i.

Government;

Government; he would have been their protector in the House of Commons; and, as soon as the fitting moment arrived, *he would have dissolved this miserable Ministry* and placed himself at the head of affairs. All these deep-laid schemes, and constant regard of self, form a strong contrast to the simplicity and heartiness of the Duke's conduct, and make the two men appear in a very different light from that in which they did at first. Peel acted right from bad motives, the Duke wrong from good ones.'

How (if this were true) could Peel be said to have acted right in any sense? That he should have formed such a scheme, that he should have deemed Manners Sutton equal to the emergency, that he should have entertained a momentary hope or thought of keeping such a man Prime Minister long enough to play the part of Addington to his Pitt—all this is so widely improbable, so out of keeping with his admitted sagacity, that Greville should at least have looked closely to his facts; but from a subsequent entry (January 3rd, 1833) it is clear that the suggestion to propose the Premiership to Manners Sutton came from Vesey Fitzgerald, not from Peel; the pith of the sweeping charge against Peel being that it was he who wanted to place Sutton in a position to serve as his warming-pan.

'It is remarkable,' concludes Greville, 'that this story is so little known.' Which story? for we have been told two or three. 'Story! God bless you, I have none to tell, Sir.' We knew long ago all that could be known or was worth knowing about these negotiations, namely, that some of the Tory leaders tried to form a Government, which the more sagacious among them felt to be an impossibility from the first: that there were sundry meetings and conferences ending in nothing; that Peel attended none of them, holding firmly and consistently aloof: that the event did honour to his foresight; and that, instead of losing caste or credit, he was thenceforth regarded as *the* man on whom the future of the great Conservative party must mainly, if not exclusively, depend. • That the Duke of Wellington so regarded him, is placed beyond a doubt by the mission of the 'hurried Hudson' in 1834.

On March 22nd, 1835, Greville sets down:—

'Old Sir Robert, who must have been a man of exceeding shrewdness, predicted that his (the son's) full energies would never be developed till he was in the highest place, and had the sole direction of affairs; and his brother Lawrence, who told this to Henry de Ros, said that in early youth he evinced the same obstinate and unsocial disposition which has since been so remarkable a feature of his character.'

With reference to this paragraph (which was quoted in the

'Edinburgh Review' as one of the gems of the book) Mr. Lawrence Peel writes thus, November 17th, 1874:

'It is impossible I could have said anything of the sort. My eldest brother being thirteen years older than myself, I could have had no opportunity of forming an opinion of his character during his boyhood; and the one attributed to me in this passage is contrary to what I remember having heard my father and other members of my family express, and to the impression made upon my mind by all I ever knew of my brother. Having always entertained the highest opinion of his public and private character, it distresses me greatly to find my name employed in support of an opinion which all who were intimately acquainted with him must know to be incorrect.'

As it is not usual to quote a living against a dead brother, we presume that Mr. Lawrence Peel's existence was forgotten, like that of Lord Conyngham and Lord Torrington.

The Reform Bill was to Greville what the red flag is to the bull. It irritated him to wildness. He saw in it the ruin of our most cherished institutions, including his sinecure and his place. He indiscriminately assails both the supporters and opponents of the measure, although we should have thought that one of the two conflicting parties must have been to some extent in the right. He does not even spare the 'waverers,' although he acted with them.

'*March 26th*, 1832.—Ten days since I have written anything here, but *en revanche* I have written a pamphlet. An article appeared in the "Quarterly," attacking Harrowby and his friends. Wharncliffe was so desirous it should be answered that I undertook the job, and it comes out to-day in a "Letter to Lockhart, in reply," &c. I don't believe anybody read the last I wrote, but as I have published this at Ridgway's, perhaps it may have a more extensive sale.'

This pamphlet was a poor performance, loose in style, and weak in argument. The article to which he replied was not written (as he with characteristic haste and inaccuracy assumed) by Mr. Lockhart, but by Mr. Croker, who contended that, if the measure were to be effectually opposed, the Lords should take the decided course of throwing out the Bill and defy the Government to create peers. It would be fatal, he argued, to admit the principle by voting for the second reading. Greville counselled a different course, maintaining that, if the Bill were suffered to go into Committee, its most objectionable provisions might be struck out or neutralised, and that the Government would not venture or be permitted to create peers to carry matters of detail. His counsels were followed,

and

and a diametrically opposite result ensued. An amendment* (Lord Lyndhurst's) carried in Committee led to the resignation of Lord Grey, who urged, with irresistible force, that, the principle of the Bill having been admitted by their Lordships, they were pursuing a factious course in trying to overthrow it by a side-wind. Greville's tactics utterly failed, and he consoled himself by throwing the blame on the two noble Lords who acted on them.

'The unfortunate thing is that neither of our cocks is good for fighting, not from want of courage; but Harrowby is peevish, ungracious, and unpopular, and Wharncliffe carries no great weight.'

Greville's fussifying efforts to stop the Reform Bill irresistibly recall the image of Mrs. Partington endeavouring to keep out the Atlantic with her mop. But however slightly he was mixed up in an affair, he fancied himself the motive power in it; and he was apt to think that he was doing a great deal when he was really doing nothing. If we are to believe him, the partial support the leading journal gave to the Conservative Government of 1834–35, was entirely owing to him and Lord de Ros. He states (November 24th, 1834) that Barnes, the editor, 'was much gratified by an offer Lyndhurst made to see him, and proposed a meeting:' that 'a gastronomic ratification was to wind up the treaty between these high contracting parties': that Barnes dined with Lord Lyndhurst at a dinner expressly made for him: that it was a badly composed party for the purpose; and that the dinner made a great uproar, as he (Greville) thought it would.

Lord Lyndhurst and Barnes were college friends of long standing, and Barnes was an active member of Lord Lyndhurst's committee, when he stood for the University of Cambridge in 1826. They had been always on the most intimate terms; and it was remarked that, in the height of the Reform conflict, nothing personally offensive to Lord Lyndhurst ever appeared in the 'Times.' They certainly stood in no need of Lord de Ros or Greville to bring them together; the dinner was an

* The object of Lord Lyndhurst's amendment, which brought on the crisis, was the postponement of the disfranchising clauses. When Mr. Charles Wood (Lord Halifax) urged that they must be taken first, Greville says: 'He talked a great deal about the country expecting this, and that they would not be satisfied if it was not done, and all the usual jargon of the Reformers, which it was not worth while to dispute.' The event speedily proved that Lord Halifax had formed the correct estimate of the situation. Greville, knowing nothing of the greater public, fancied that a nation's destiny could be decided by a party manœuvre or intrigue conducted by himself and De Ros. His summary of the beneficial results of the measure which he dreaded and decried is one of the most remarkable passages in the book. (See vol. iii. p. 29.)

 ordinary

ordinary dinner; and that it made 'a great uproar,' is about as true as that the conciliatory tone of the all-powerful journal towards the Conservative Government was (as Greville states) adopted at the suggestion of Lord de Ros.'

'No man,' we are assured in the preface, 'was more disinterested in his judgments on public affairs, for he had long made up his mind that he had nothing to gain or to lose by them.' On the contrary, he had made up his mind that he had a great deal to gain or lose by them; that half, if not the whole, of his income was at stake. He worked with might and main for the party that was least hostile to sinecures; and he came forward in due season to claim at their hands the preservation of his own.

'*June 30th.*—Yesterday I went to the Duke of Wellington and gave him my case to read, requesting him to exert his influence with his Tories, and get them to attend the Committee and defend me there. He read it, approved, and promised to speak to both Peel and Herries. I had previously desired George Dawson to speak to Peel. I might certainly, after the very essential services I rendered Peel and his Government, go with some confidence to Peel or any of them and ask for their aid in my difficulty; but it is not wise to remind men of an obligation; if they do not feel it without being reminded they will not be made to do so by any hint, and an accusation of ingratitude will be implied, which will only excite their resentment; if they are sensible of the obligation they will return it without any reminder.'

The Peelites, especially Mr. Gladstone, Sir James Graham, and Lord Lincoln (the late Duke of Newcastle) bestirred themselves actively on his behalf, rather, we fancy, from personal feeling than from any sense of obligation. He intimates as much when he confesses to 'a kind of whispering sensation that they must be a little shocked at the cause they advocate.' When the Committee divided, he was saved by the narrow majority of ten to nine. Having already spoken of 'the determination of this morose and rigid millionaire to strip me of my property,' he exultingly exclaims:—

'It is really amusing to see the joy with which the news of Baring's defeat has been hailed by *every member of his own family, and all others who have heard of it.* The goodwill of the world (a very inert but rather satisfactory feeling) has been exhibited towards me, and there is mixed up with it in all who are acquainted with the surly reformer who is my adversary a lively pleasure at his being baffled and mortified.'

Considering that Baring (afterwards Lord Northbrook, and not a millionaire) was simply carrying out the principles with the

the full concurrence of the Liberal party, it is surprising that a man of sense should be hurried into such extravagance, still more surprising that an editor, with such conclusive proofs of interested prejudice before his eyes, should assert that, 'in the opinions he (Greville) formed, and on occasions energetically maintained, he cared for nothing but their justice and their truth.' Five out of six of the opinions he formed were warped by his personal feelings: he was impartial in nothing but the distribution of indiscriminating abuse to all parties.

For a knowing man of the world, conversant with the practices of the turf, Greville was unaccountably credulous. Again and again does he accept statements, and draw conclusions from them, without weighing either the internal or external evidence of their truth. We will give another example which should alone suffice to put readers on their guard. He is speaking of the debate on the Ministerial Explanations on February 18th, 1828:

'The great event of the night was Duncombe's speech, which was delivered with perfect self-possession and composure, but in so ridiculous a manner that everybody laughed at him, although they were amused with his impudence and at the style and objects of his attack. However, the next day it was discovered that he had performed a great exploit; he was loudly applauded and congratulated on all sides, and made into the hero of the day. *His fame was infinitely increased on a subsequent night*, when Herries again came before the House and when Tommy fired another shot at him. The newspapers were full of his praises. The Whigs called at his door and eagerly sought his acquaintance. Those who love fun and personality cheered him on with loud applause, and he now fancies himself the greatest man going, and is ready to get up and abuse anybody on the Treasury bench. To me, who knew all the secret strings that moved this puppet, nothing can be more amusing.'

This then, we presume, is one of the revelations of the 'less known causes and details of public events' which we were promised in the Preface. *Ex uno disce omnes.* It is introduced with a grave reflection of a nature to invite attention and command implicit trust.

'The history of Tom Duncombe and his speech is instructive as well as amusing, for it is a curious proof of the facility with which the world may be deceived, and of the prodigious effect which may be produced by the smallest means, if they are aided by some fortuitous circumstances and happily applied. Tommy came to Henry de Ros and told him that his constituents at Hertford were very anxious he should make a speech, but that he did not know what to say, and begged Henry to supply him with the necessary materials. He advised him to strike out something new, *and having received his assurance*

assurance that he should be able to recollect anything that he learned by heart, and that he was not afraid of his courage failing, Henry composed for him the speech which Duncombe delivered. But knowing the slender capacity of his man, he was not satisfied with placing the speech in his hands, but adopted every precaution which his ingenuity suggested to avert the danger of his breaking down.

'He made him learn the speech by heart, and then made him think it over again and put it into language of his own, justly fearing that, if he should forget any of the more polished periods of the original, it would appear sadly botched by his own interpolations. He then instructed him largely as to how and when he was to bring it in, supplying him with various commonplace phrases to be used as connecting links, and by the help of which he might be enabled to fasten upon some of the preceding speeches. I saw Henry de Ros the day before the debate, when he told me what he was doing, and asked me to suggest anything that occurred upon the subject, and at the same time repeated to me the speech with which he had armed his hero. I hinted my apprehensions that he would fail in the delivery, but though he was not without some alarm, he expressed (as it afterwards appeared a well-grounded) confidence in Duncombe's extraordinary nerve and intrepidity.'

The editor states in a note, that 'the incident related in the text appears to have been his (Duncombe's) début in political life.' Fresh from a contested election,—no bad school,—Duncombe had spoken in the same tone and manner on the second night of the Session (January 31), and appears to have already acquired that style of speaking which always ensured him a hearing whatever the disposition of the House.* Lord de Ros, with all his cleverness, was unknown as a speaker. We are not aware that he ever opened his mouth in public. Yet, assuming him to have been a practised rhetoritician, the grand difficulty remains. To introduce a prepared speech or prepared passages effectively by the adroit use of commonplaces, is an advanced step in oratory, and to succeed twice in rapid succession would indicate a master of the art. To make the pupil first learn by heart the speech he was *not* to deliver, was one of the oddest expedients ever hit upon to prevent him from being embarrassed by the so-called polished

* 'He (Duncombe) was courteous and pleasant in manner, and members liked to sit by him in the House for the sake of his remarks on men and things. His voice was originally very fine—rich and full—though he mouthed his words like a dandy of the Regency, a character that cropped up in all he said or did. His careless effective style was evidently the result of great care and pains; and he managed to hit exactly the amount of impudent *sang-froid* which his powers justified and the House would bear. He was just the man for saying at the right moment what everybody wished to be said and nobody had the courage to say; and he was clearly a favourite, being generally called for if anyone else rose at the same time.'—*The Times*, Jan. 7, 1868.

periods.

periods of the original. And when, the day before the debate, Lord de Ros repeated to Greville 'the speech with which he had armed his hero,' which speech did he repeat?

The effect of the speech is grossly exaggerated; it is not mentioned by the 'Times,' and its tendency is misunderstood. The telling shots were not fired at Herries. They were fired at higher game; at sundry influences behind the Throne, the existence of which Duncombe declared to be matter of notoriety:—

'They are known' (he continued) 'to have been too busy in the underplot of the recent revolution. "I believe their object to be as impure as the means by which their power has been acquired, and I denounce them and their agents as unknown to the British Constitution and derogatory to the honour of the Crown." He trusted that the Duke of Wellington and the Right Hon. Secretary for the Home Department would not allow the finances of this great country to be controlled any longer by a Jew (Rothschild), or the distribution of the patronage of the Crown to be operated upon by the prescriptions of a physician (Knighton). (*Loud laughter.*)'

Greville's recklessness of statement, or *gobemoucherie*, is still more remarkable in his account of the (so called) second speech.

'Duncombe's speech on the second night was got up *precisely in the same manner*, and although it appeared to arise out of the debate and of those which preceded it, the matter had been all crammed into him by his invisible mentor. The amusement to him and to me (especially at the honours that have been thickly poured upon him and the noise which he has made in the world) is indescribably pungent.'

The subject had been dropped till what Greville calls the second night (Feb. 21st), when there was no debate, and no question before the House. Herries having risen to answer a question about the Malt Tax, said that 'while he was on his legs, he might as well take the opportunity of removing one or two erroneous impressions that had gone abroad as to part of a statement he had made on a preceding evening.' This brought up Duncombe, who briefly pointed out the disagreement between the explanation just given by Herries and the preceding one. The two or three sentences spoken by the 'hero of the night' would be incorrectly described as a speech: the ministerial explanations were considered at an end; and no one could have guessed that Herries would reopen them on that or any other night to stultify himself. Now for the philosophical deduction and the moral:

'Thus Duncombe and his speech have made what is called a great sensation, and he has the reputation (no matter whether justly or not) of having thrown the enemy's camp into greater confusion by the boldness of his language than anybody has ever done, because nobody has ever before dared to mention those whom he dragged forward.

To

To the ignorant majority of the world he appears a man of great promise, of boldness, quickness, and decision, and the uproar that is made about him cannot fail to impress others as well as himself with a high notion of his consequence.

'Knighton is gone abroad, I have very little doubt, in consequence of what passed, and as nobody inquires very minutely into the real causes of things where they get apparent ones with ease, it is said and believed at once that Duncombe is the man who has driven him out, and that he has given the first blow to that secret influence which has only been obscurely hinted at before and never openly attacked. *These are great and important matters*, far exceeding any consequences which the authors of the speech anticipated from its delivery at the time. And what are the agents who have produced such an effect? A man of ruined fortune and doubtful character, whose life has been spent on the race-course, at the gaming-table, and in the green-room; of limited capacity, exceedingly ignorant, and without any stock but his impudence to trade on, only speaking to serve an electioneering purpose, and crammed by another man with every thought and every word that he uttered.'

The ignorant majority of the world were right. Duncombe *was* a man of capacity, boldness, quickness, and decision. If his private life was to be held up to reprobation, we have yet to learn that his habits and pursuits differed materially from those of Greville and Lord de Ros. Nor is there anything extraordinary in the production of important effects through the instrumentality of men of ruined fortune. What were Mirabeau and Wilkes? But the Journal teems with proofs that no such effects were produced on this occasion; that Knighton was not driven out; and that the secret influence continued unimpaired.*

An unsafe guide through the mazes of political intrigue and supplying no trustworthy materials for history, Greville cannot

* See vol. ii., pp. 144 and 154, quoted *ante*, p. 10. Knighton had started on one of his numerous foreign missions the day before Duncombe's speech. He returned shortly afterwards, and the attack is mentioned in his *Memoirs* as 'having proved the means of establishing him still more firmly in the estimation of his sovereign and his friends.' The letters to him from George IV. and the rest of the Royal Family printed in the *Memoirs* materially vary the impression which Greville's entries convey. For example, during Knighton's illness:

'Dear Friend,

'For God's sake, for all our sakes, pray, pray take care of yourself, and do not think, upon any account, of stirring until to-morrow morning. It is true, I am jaded and quite worn, and writing from my bed, where I have lain down for a little; but to-morrow will be quite time enough. Little or no advance, I regret to say, has as yet been made amidst, almost perhaps, unravelable perplexities.

'St. James's Palace, 'Yours affectionately,
'Friday, April, 1827.' 'G. R.

There is no alteration of tone at any time, and the letters of William IV. to Knighton do credit to both.—*Memoirs of Sir William Knighton. By Lady Knighton.*

be

be accepted as an authority for those episodes in our social annals to which he recalls attention; at all events, the judgments he passes on the actors in them should be carefully collated with the facts.

'*May* 17*th*, 1835.—These elections and the affair between Alvanley and O'Connell have been the chief objects of attention; all the newspapers are full of details, which I need not put down here. Alvanley seems to have behaved with great spirit and resolution. There was a meeting at De Ros's house of De Ros, Damer, Lord Worcester, and Duncombe to consider what was to be done on the receipt of Morgan O'Connell's letter, and whether Alvanley should fight him or not. Worcester and Duncombe were against fighting, the other two for it. Alvanley at once said that the boldest course was the best, and he would go out.'

There was no such meeting. There was neither occasion nor time for it. The old laws of honour were then in full force, and Morgan O'Connell's letter left no alternative. Besides denouncing Lord Alvanley's conduct as 'braggadocio and ungentlemanlike,' he spoke of him as 'a man whom I sincerely believe to have been appropriately designated by my father,' *i.e.* as a bloated buffoon.

According to Colonel Hodges' printed statement, this letter was delivered to Lord Alvanley at half-past three in the afternoon of May 4th. According to Colonel Damer's, he had just returned from a review at Woolwich at that hour when the letter was placed in his hands by Lord Alvanley. He went at once to the Junior United Service Club to make the requisite arrangements with Colonel Hodges, who proposed the next morning, to which Damer replied that there would be light enough that same evening; and the meeting took place soon after six in a field off the Barnet Road, near the Regent's Park. The ground was measured, the combatants were placed, and the pistols delivered:

'I was proceeding' (writes Damer) 'to instruct the gentlemen concerned, as to the signals that were to be their guide, and I had said, Gentlemen, I shall use the following words, "*Make ready! Fire!*"; when Mr. O'Connell, thinking that I had given the signal, through mistake, discharged his pistol. I then had a short discussion with Colonel Hodges as to the light in which that shot was to be considered, when Lord Alvanley desired me to waive the right I conceived he had to return the fire.'

An exchange of shots then took place without effect. O'Connell did not fire in the air, as he should have done, and Damer then said that the affair should stop; but Hodges insisted on an apology or another exchange of shots, to which Damer

Damer consented, to avoid (he said) all possibility of misapprehension. Having once agreed to regard the first shot as a nullity, he was obviously precluded from reverting to it; and the whole question turns on whether he should have withdrawn his man after the first shot.

'Damer' (writes Greville) 'seems to have been a very bad second, and probably lost his head: he ought not to have consented to the third shot upon any account. Alvanley says he execrated him in his heart when he found he had consented to it. Hodges acted like a ruffian, and had anything happened, he would have been hanged.'

The late Sir Robert Peel defined a good second to be one who would bring you off with flying colours or make you fight. Would Lord Alvanley have been brought off with flying colours had he been withdrawn? On the contrary, he would have been exposed to every sort of taunt and misrepresentation. This was a party duel, a class duel, a duel of defiance, and both he and his second judged rightly that, if it was to be fought at all, the boldest and most uncompromising mode of conducting it was the best.

In the autumn of 1843, Lord Alvanley, Colonel Damer, and an English friend, were breakfasting in the public room of the Hôtel de Flandre, at Brussels, when Lord Alvanley quizzed a Belgian officer so unmercifully, that the 'brave Belge' left the table in a huff. 'That fellow,' said the friend, 'will call you out.' 'And if he does,' was the reply, 'I'll have you for my second; for Damer—and be d—d to him—let Morgan O'Connell have three shots to two.' This possibly is the sort of execration which was uttered to Greville. In the course of the ensuing conversation Lord Alvanley expressed his high satisfaction at the manner in which the affair had been carried through.

'The value of every story depends on its being true. A story is a picture of an individual, or of human nature in general: if it be false, it is a picture of nothing.' This was a favourite axiom of Johnson's, which seems to have had no weight with Greville or Mr. Reeve: Greville seldom, if ever, taking the trouble to verify a story or anecdote, whilst the editorial notes afford little aid in the correction or elucidation of the text.

'Lord Holland told stories of Lord Thurlow, whom he mimicks, they say, exactly. When Lord Mansfield *died*, Thurlow said, "I hesitated a long time between Kenyon and Buller. Kenyon was very intemperate, but Buller was so damned corrupt, and I thought upon the whole that intemperance was a less fault in a judge than corruption, not but what there was a damned deal of corruption in Kenyon's intemperance.'

The vacancy (of the Chief-Justiceship) was created by the *resignation*

resignation of Lord Mansfield, who lived nearly five years afterwards, and the words which Lord Holland must have repeated, if he adopted the authentic version, were these:

'I hesitated long between the corruption of Buller and the intemperance of Kenyon. Not but what there was a damned deal of intemperance in Buller's corruption and a damned deal of corruption in Kenyon's intemperance.'

In reference to the dispute between Sir John Malcolm, Governor of Bombay, and the Judges of the Supreme Court, Mr. Reeve states:

'Lord Ellenborough took Malcolm's part with great eagerness, and said of the Chief Justice, Sir J. D. Grant, that "he would be like a wild elephant between two tame ones." This expression was long remembered as a joke against Lord Ellenborough.'

The joke must be unintelligible to those who do not know that Lord Ellenborough had just been sending out two new Judges when he wrote, 'Sir John Grant will be like a wild elephant *led away* between two tame ones.'

In a note on Sir Robert Adair, Mr. Reeve says: 'It was he whom Canning *once* called Bobadare-a-dool-fowla.' It was he who was ridiculed in a celebrated *jeu d'esprit* of the *Antijacobin*, entitled, 'Translation of a Letter (in Oriental characters) from Bawba-dara-Adul-Phoola (Bob Adair, a dull fool) to Neek-awl-Aretchid-Kooez (Nicholl, a wretched Goose).'

Note on Paul, the first Lord Methuen:—

'Paul Methuen, Esq., M.P. for Wiltshire. It was to him that O'Connell made the memorable, but somewhat profane retort, "Paul, Paul, why persecutest thou me?"'

The House was in Committee, and in a half-sleepy state, when Kearsley, Tory member for Wigan, a coarse humourist, flustered with drink, began a rollicking speech, setting all rules of decorum at defiance. Methuen, who had also the appearance of having dined, rose repeatedly to call him to order, till Kearsley, who was short-sighted, put his glass to his eye, shook his head with mock solemnity, stretched out his arm to its full length, and spoke the words in a hollow sonorous tone. One of the most extraordinary scenes ever witnessed ensued: during several minutes the House was so convulsed with laughter that all serious business was at a standstill; Sir Robert Inglis, shocked by the profanity, being the only member who looked grave. What added to the effect was the contrast. Some one said Kearsley, short and rotund, looked like a retired tallow-chandler, which he turned out to be. Methuen was a fine gentleman of the Regency, with a shade of pomposity. Such a

retort

retort from O'Connell, who, moreover, sat on the same side of the House as Methuen, would have excited a very different feeling from laughter.

Greville (January 12th, 1831) happening to set down that an envoy had been sent here from the Poles, Mr. Reeve appends this note:—

'This Envoy was Count Alexander Walewski, a natural son of the Emperor Napoleon, who afterwards played a considerable part in the affairs of France and of Europe, especially under the Second Empire. During his residence in London in 1331 he married Lady Caroline Montagu, a daughter of the Earl of Sandwich, but she did not live long. *I remember calling upon him in St. James' Place, and seeing cards of invitation for Lady Grey's assemblies stuck in his glass.* The fact is he was wonderfully handsome and agreeable, and soon became popular in London society.'

Would it not have been more to the purpose to state simply that the envoy was Count Walewski, afterwards French Ambassador at the British Court.

Greville having mentioned the 'Cateatonenses,' Mr. Reeve has this note:—

'The "Musæ Cateatonenses," a burlesque narrative of a *supposed* expedition of Mr. George Legge to Cateaton Street in search of a Swiss Chapel. Nothing can be more droll. The only copy I have seen is still at Saltram. This *jeu d'esprit* (which fills a volume) was composed by Canning and his friends, one Easter recess they spent at Ashbourne.'

If this *jeu d'esprit* fills a volume, why is that volume called '*Musæ* Cateatonenses?' Because, in addition to the narrative, it contains from twenty to thirty sets of verses on the expedition, which was undertaken by Lord Boringdon (the first Earl of Morley) and the Hon. and Rev. A. G. Legge, in search of a Swiss preacher; Canning having mystified them by saying that they would find one in Cateaton Street. The expedition was real, although the narrative was supposititious; and the whole point turns on its being joint.

In explanation of Serjeant Spankie's repartee to the elector of Finsbury, Mr. Reeve says:—

'Wakley's house was burnt, and he brought an action against the insurance office, which declined to pay his policy. I forget what was the result of the trial, but that of the evidence was a conviction of his instrumentality.'

'The action was tried on the 21st June, 1821, before Lord Tenterden and a special jury, and the result was a verdict for the plaintiff for the full amount claimed, which was paid by the office

office with costs. On the 14th July, 1844, Mr. Wakley made so effective a reply to the imputation in the House of Commons, that the late Sir Robert Peel pronounced a decided opinion of its groundlessness. The charge having been revived in a medical journal, Mr. Wakley brought an action for libel, which (June, 1854) ended in a verdict, by consent, for the plaintiff and an apology.

'*Note.*—Hon. Frederick Byng, formerly of the Foreign Office, universally known *at this time* (1829) as "The Poodle," *probably* because he once kept a fine animal of that breed.'

Universally known to this hour under that name, notoriously because, when tilburys were the fashion, he used to drive one with a poodle seated by his side. A different but erroneous solution has gained currency from a comic French epitaph, in which he is mentioned as '*surnommé Poodle à cause de sa chevelure et sa fidélité.*'

Speculating (June, 1829) on the causes which had kept Lord Palmerston back for twenty years, Greville says:—

'The office he held was one of dull detail, and he never travelled out of it. He probably stood in awe of Canning and others, and was never in the Cabinet; but having lately held higher situations, and having acquired more confidence, he has launched forth, and with astonishing success.'

Lord Palmerston had been in three Cabinets—Canning's, Lord Goderich's, and the Duke's; and retained the same office, the Secretaryship of War, the only office he ever held prior to 1830, under each.

Mr. Reeve gives lists of five Cabinets, or Administrations, as he indiscriminately calls them; and four of his lists are wrong. His list of Canning's omits Lord Palmerston and includes Tierney; of the Duke's (as originally constituted) omits Lord Palmerston; of Lord Grey's (as originally constituted) includes Lord John (Earl) Russell and the late Lord Derby, and omits Lords Holland and Carlisle; of Lord Melbourne's (1834) includes Edward Ellice. We should like to know where Mr. Reeve gets his lists. We are content with the Annual Register.

The strangest of Mr. Reeve's notes is the one relating to Madame du Cayla, which we cannot allow to grow into an authority, since we believe it to be uncharitable and unjust. Greville has told all that required to be told of this lady; her birth, her introduction to Louis XVIII., and the nature of their connection, saying expressly that 'there was no sexual question in the matter, as what the King wanted was merely some one to whom he could tell everything, consult with on occasions, and with

with whom he could bandy literary trifles.'* But this does not satisfy Mr. Reeve, whose note begins:

'Madame du Cayla had been the *soi-disant* mistress of Louis XVIII., or rather the favourite of his declining years. *Il fallait une Esther*, to use her own expression, *à cet Assuérus*.'

If she compared herself to Esther, the purest of the pure, how could she be the *soi-disant* (self-styled) mistress of the King? Mr. Reeve must mean 'so-called.' Then, after recapitulating the biographical details stated by Greville:—

'The King was touched by her grace and beauty, and she became indispensable to his happiness. His happiness was said to consist in inhaling a pinch of snuff from her shoulders, which were remarkably broad and fair.'

We know of no better authority for this bit of prurient gossip than a scandalous caricature. Then come three verses of Béranger, supposed to be addressed to the lady under the name of Octavie. One will suffice:

'Peins-nous ces feux, qu'en secret tu redoutes,
Quand sur ton sein il cuve son nectar,
Ces feux dont s'indignaient les voûtes,
Où plane encore l'aigle du grand César.'

The second line is printed in italics by Mr. Reeve. We have not a notion what it means; but the *feux* of the gouty old epicure could hardly have alarmed the lady or scandalised the arches. The note ends with what is meant for a philosophical reflection:

'It is curious that in 1829, the last mistress of a King of France should have visited London under the reign of the last mistress of a King of England.'

It is not usual, nor in accordance with the *convenances*, to apply this term to ladies who retain their position in society. Madame du Cayla came to England with the Duchesse d'Escars, and was received in all the best houses. It was not (as we have seen) Lady C. alone, but the whole C. family (husband, son, and daughter) that were domesticated in her royal friend's palaces.

To point a story against George IV., Greville calls Lord Bathurst 'stoneblind,' knowing very well that he was only short-sighted. Twice over (uncorrected by Mr. Reeve) he calls Louis Philippe the descendant of Louis XIV.

'*May 29th*, 1829.—The day before yesterday there was a review for the Duke of Orleans; and the Marquis of Anglesey, who was

* Vol. ii. p. 306.

there

there at the head of his regiment, contrived to get a tumble, but was not hurt. Last night at the ball the King said to Lord Anglesey, "Why, Paget, what's this I hear? they say you rolled off your horse at the review yesterday." The Duke as he left the ground was immensely cheered, and the people thronged about his horse and would shake hands with him.'

It was the Duke of Wellington who got the tumble. He was riding at the head of his regiment, the Grenadier Guards, wearing the bearskin cap, which embarrassed him and led to the accident. At the next levée, the King, who was not sorry to have a hit at the Duke, addressed Lord Anglesey loud enough for everyone to hear: 'Anglesey, *you* are not the man to fall off at the head of your regiment.' The incident obtained great notoriety, and was long remembered. When, in 1847, Lord Ponsonby presented his credentials to Ferdinand I. of Austria, the Emperor said to him: '*Vous savez que je suis tombé de cheval, mais la même chose est arrivée à votre fameux Duc de Wellington.*'

The career of Lord Stratford de Redcliffe, culminating in the Peerage and the Garter, is one of the most distinguished in the annals of diplomacy; and the refusal of the Russian Court to receive him as resident Ambassador in 1833 was really a compliment to his well-known firmness and sagacity. A similar compliment had been paid to Lord Macartney after a special mission to Russia, during which he was not found so pliable as could have been wished. The Emperor Nicholas distinctly stated that he had no personal objection to Lord Stratford, and the difficulty notoriously originated with Count Nesselrode and Madame de Lieven. This lady was, after all, the principal sufferer from the intrigue, being obliged to leave England whilst the Russian embassy was withdrawn. A story against Lord Stratford, told by her on the authority of a third person and dressed up by Greville, will hardly command implicit assent, and the great Elchee has no recollection of the dramatic colloquy with M. Dedel of which the scene is laid in the ante-room of the Foreign Office. It was a rule with Lord Palmerston, from which he never deviated, to admit visitors in the order of arrival, without regard to rank, and it is not unlikely that this was explained by Lord Stratford to M. Dedel.

We have the authority of another eminent diplomatist for denying what Greville has set down regarding him:

'*September* 23*rd*, 1834.—He (Lord Melbourne) told me, what I did not know before, that the King of Prussia had desired to have Lord Clanwilliam recalled from Berlin.'

Lord Clanwilliam was, and is, under the impression that he was

was in high favour at the Court of Berlin during the entire period of his embassy; and we learn from other sources that he was particularly acceptable to the King.

'*August 27th*, 1830.—At Court the day before yesterday. General Baudrand came and delivered his letter, also a private letter "from the Duke of Orleans to the Duke of Clarence," as the French King called them, *anciens amis*.'

Both the letters (which are extant in the French King's handwriting) are addressed as from King to King.

'*October 25th*, 1830.—I told him (Arbuthnot) to give a notion how meanly Aberdeen was thought of, that Alvanley had told Talleyrand not to notice him, but to go at once to the Duke (of Wellington) when he had any important business to transact, and that he (Arbuthnot) might tell the Duke this, if he pleased, but no one else.'

This is a specimen of Greville's half-knowledge. Lord Alvanley had the folly to tell Talleyrand not to notice Lord Aberdeen; but Talleyrand at once repeated what Lord Alvanley had said to the Duke and Lord Aberdeen, accompanying the communication with some caustic remarks on the bad feeling of Lord Alvanley in trying to lower his Sovereign's Minister for Foreign Affairs in the eyes of a foreign Ambassador, and his curious forgetfulness that Talleyrand was intimately acquainted with Lord Aberdeen. If Lord Aberdeen was thought so meanly of, how did he manage to maintain his ground so long in the Foreign Office? How did he become Prime Minister in 1852?

We now come to a class of story which ought never to appear in print at all: a class in which inaccuracy, combined with publicity, is an offence against truth, justice, good feeling, and propriety. After mentioning a forgery case in which Brougham had got a man off who, in Greville's opinion, would have been hanged had Lord Lyndhurst been Chancellor, he sets down, December 12th, 1830:

'This was a curious case, as I have since heard. The man owes his life to the curiosity of a woman of fashion, *and then to another feeling*. Lady Burghersh and Lady Glengall wanted to hear St. John Long's trial (the quack who had *man*-slaughtered Miss Cashir), and they went to the Old Bailey for that purpose. Castlereagh and somebody else, who, of course, were not up in time, were to have attended them. They wanted an escort, and the only man in London sure to be out of bed so early was the Master of the Rolls, so they went and carried him off. When they got to the court there was no St. John Long, but they thought they might as well stay and hear whatever was going on. It chanced that a man was tried for an atrocious case of forgery and breach of trust. He was found guilty, and sentence passed; but he was twenty-three and good-looking. Lady Burghersh could not bear he

he should be hanged, and she went to all the late Ministers and the Judges to beg him off. Leach told her it was no use, that nothing could save that man; and accordingly the old Government were obdurate, when out they went. Off she went again and attacked all the new ones, who in better humour, or of softer natures, suffered themselves to be persuaded, and the wretch was saved. *She went herself to Newgate to see him, but I never heard if she had a private interview, and if he was afforded an opportunity of expressing his gratitude with all the fervour that the service she had done him demanded.*

Lady Burghersh is the Dowager Countess of Westmoreland, by birth a Wellesley and niece of the Great Duke, a lady whose intellectual distinction and personal qualities should inspire respect independently of her connections and her age. Yet this is the person who is deemed the fitting object of a coarse insinuation and a ribald sneer. Her own account of the incident (in a letter to a relative) is so complete a model of clear, terse narrative, that we shall give it without the alteration of a word:

'The account in the Greville Memoirs has a foundation in truth, but much distorted. Lady Glengall and I did go to the Old Bailey, intending to hear the trial of the Quack Doctor. Neither Lord Castlereagh nor any one else accompanied us, as far as I remember. Certainly not the Master of the Rolls. We found the trial of the Quack Doctor was put off, and being there, and never having heard a trial, I wished to stay and hear something of what was going on. It was a case of forgery, and the accused, far from being "twenty-three and good-looking," appeared to me a miserable, stupid-looking lad, who seemed half-witted. The penalty at that time was death. I was told that the lad's mother was in court and had fainted.

'I was very intimate at that time with Lord Lyndhurst, and, when I left the court, I drove to his house, and asked if anything could be done to save the life of the wretched boy. He told me he would undertake it if he found it to be possible. I asked him if I might give the *hope* to the poor mother, and he said "Yes," and I did so.'

Lord Lyndhurst was no longer Chancellor; and, at his suggestion, the case was brought to the notice of Lord Melbourne, then Home Secretary, who reduced the sentence of death to transportation for life. A point that weighed strongly with him was that no one had lost or been injured by the forgery. The slightest inquiry would have made clear that this was not the case mentioned by Lord Brougham.

It would be difficult to surpass the last example of misrepre-

 sentation;

sentation; but there are entries which run it hard for ill-nature and discourtesy:

'*August* 11*th*, 1831.—I went to the play last night at a very shabby little house called the City Theatre—a long way beyond the Post Office—to see Ellen Tree act in a translation of "Une Faute," one of the best pieces of acting I ever saw. This girl will turn out very good if she remains on the stage. She has never been brought forward at Covent Garden, and I heard last night the reason why. Charles Kemble took a great fancy for her (she is excessively pretty), and made her splendid offers of putting her into the best parts, and advancing her in all ways, if she would be propitious to his flame, but which she indignantly refused; so he revenged himself (to his own detriment) by keeping her back, and promoting inferior actresses instead. If ever she acquires fame, which is very probable, for she has as much nature, and feeling, and passion, as ever I saw, this will be a curious anecdote. [She married Charles Kean, lost her good looks, and became a tiresome, second-rate actress.]'

Mrs. Charles Kean lives surrounded by friends, who will be surprised to learn that she ever ceased to be a favourite with the public, or lost more of her good looks than (*eheu fugaces!*) will vanish with youth. Old play-goers will be equally surprised to hear that she was never brought forward at Covent Garden, where she was one of the greatest attractions of the theatre during the seasons of 1829–31,* under Charles Kemble's management. The base of the story falling, the superstructure falls with it, but we give her refutation in her own distinct emphatic language in a letter dated Dec. 16th:

'It is only very recently that I was told of the passage relating to Mr. Kemble and myself, and I feel as indignant as either of his daughters can be. There is not the *shadow* of a foundation for Mr. Greville's calumnious insinuation. The grossness was in Mr. Greville's mind, not in Mr. Kemble's conduct, who ever treated me with the utmost kindness and the utmost *respect*.'

The Covent Garden season had closed when Greville saw her at the City Theatre, then under the management of her brother-in-law, Mr. Chapman. The oldest frequenters of the Green Room of the Garrick have no recollection of this scandal in the most evanescent shape, but the faintest surmise would be enough for Greville to build upon. If he had been present at the con-

* 'In 1829, she transferred her services to Covent Garden, and made her first appearance as Lady Townley in "The Provoked Husband." For her benefit she played "Romeo" to Miss Fanny Kemble's "Juliet," and her success was so great that the manager (Kemble) entrusted to her the heroine in Miss Kemble's play of "Francis the First."'—*Men of the Time: containing Biographical Notes of Eminent Characters of both Sexes*, 1872.

versations

versations in the 'School for Scandal,' he would have noted down as facts that Miss Letitia Piper had been brought to bed of twins, and that Miss Nicely had pressing reasons for marrying her footman.

There is one of our expectations from this Journal which has not been disappointed. Its popularity is largely owing to the style. The vigour and idiomatic flow of the language give a delusive plausibility to the statements, and a false look of philosophy to the reflexions. It seldom or never occurs to the common run of readers that a man who writes so well, so energetically, with such an air of decision and superiority, can be wrong in fact or inference, can think he is thinking when he is indulging in paradox or commonplace. He thus speculates on happiness:—

'I wonder the inductive process has not been more systematically applied to the solution of this great philosophical problem, *what is happiness*, and *in what it consists*, for the practical purpose of directing the human mind into the right road for reaching this goal of all human wishes. Why are not innumerable instances collected, examined, analysed, and the results expanded, explained, and reasoned upon for the benefit and instruction of mankind?'

He proceeds to announce as a discovery that 'healthy body, healthy appetite, healthy feelings, though accompanied by mediocrity of talent, will outstrip in the race for happiness the splendid irregularities of genius, and the most dazzling successes of ambition.' Who ever doubted that they would? But how is this enviable mediocrity to be reached? How are the higher natures to be brought down or the lower natures to be elevated to it? How are we to make sure of the sound mind in the sound body? His Golden Mean or Happiness Made Easy may pair off with the philosopher's stone or the elixir of youth. His contrivance for attaining 'this goal of all human wishes' is about as feasible as that for catching sparrows by putting salt upon their tails.

He is not more happy when he generalises on gaming and the turf:

'How anyone can play who is not in want of money, I cannot comprehend; surely *his* mind must be strangely framed who requires the stimulus of gambling to heighten his pleasures.'

There is no frame of mind so common, as he had only to look round him to be aware. The majority of the rich and noble friends with whom he played whist and betted were not in want of money, and obviously required the stimulus.

His meditations on moral or intellectual subjects want depth:

his mind, like heated amber, attracted and fixed the feathers and flies that float or flutter on the surface of society: it never penetrated to the undercurrents of thought and feeling which were in silent operation when he wrote. It would be amusing, therefore, were it not irritating, to hear his book hailed from the pulpit as a proof that the generation of which it treats were deficient in high aims and purposes; as if these were wanting to the men who carried the great measures of civil and religious liberty, who voted twenty millions for the abolition of slavery, who reformed the poor law, simplified the administration of justice, humanised the criminal code, and laid the foundation of all that has been done since to diffuse education and improve the condition of the labouring class.*

The rapid changes of mood which occur so frequently in his journal may be traced to his impressibility. He was the slave of impulse. With him the present, the immediate, excluded both the future and the past. He seldom pauses to compare, to inquire, to investigate; but dashes down the impression or conclusion without thinking or caring whether it agrees with what goes before or is to come after it. His fondness for generalisation is another fruitful source of error and inconsistency. He draws a broad conclusion from an insulated speech or action, and within an incredibly short time draws an opposite one from equally insufficient premises. Thus the Duke of Wellington is a very great man and a very little man by turns. It never occurs to Greville that conduct may vary, or intellectual power fluctuate, without any essential change in character or capacity. *Aliquando bonus dormitat Homerus.* If he had found Homer napping, he would have written him down a dull, sleepy, heavy-headed fellow, and have forgotten all about his genius till reminded of it by happening to take up the Iliad or fall in with Mr. Gladstone.

It follows, that Greville shows to most advantage in narrative and description. What can be more vividly sketched than the memorable scene in the House of Commons (May 1832), when the hopes of the waverers and anti-Reformers were scattered to the winds: when Baring hurried to Apsley House and told the Duke that he would face a thousand devils rather than such a House? Or, again, than the banquet in St. George's Hall during the Ascot week of 1831; or the first meeting of the Council on the accession of the Queen? His Italian Tour is

* We allude to the Sermon of the Bishop of Manchester, mentioned in the 'Times' of Dec. 15th. The right reverend prelate most erroneously assumes that Greville's description of the society in which he lived is accurate. Canon Liddon has fallen into a similar error.

very

very good, and shows of what he was capable when removed from the arena of party politics and the feverish agitation of the turf. Some of his characters also (looking merely to effect) are admirably drawn; the distinctive traits judiciously selected, and the lights and shades artistically worked in. Take, for example, his Luttrell, his Lady Harrowby, or (best of all) his Byron. What too often mars the workmanship is the fastidiousness, the cynicism, the irresistible tendency to find spots or mingle bitters with the sweets:

> 'Medio de fonte leporum
> Surgit amari aliquid quod in ipsis fontibus angat.'

Where was the necessity for spoiling the touching tribute to Lady Worcester by the remark, that 'her defects may be ascribed to her education, and to the actual state of the society in which she lived;' feeling, as he should have felt, that the surviving members of that society, including those nearest and dearest to her, would regard the observation as a slur? Or why accept without inquiry the statement that she died in the arms of Dr. Hume, when any member of the family would have told him that she died in the arms of her husband, with her mother and two sisters in the room?

> 'Let blameless Bethell if he will, excel
> Ten metropolitans in preaching well.'

'Whom did Pope mean?' asked Boswell after quoting this couplet. 'I don't know, Sir,' replied Johnson, 'but, depend upon it, he meant to vex somebody.' Greville has been suspected of the same charitable intention when, the day after his arrival in town, after taking Panshanger on his way from Newmarket, he writes:

'My journal is getting intolerably stupid, and entirely barren of events. I would take to miscellaneous and private matters if any fell in my way, but what can I make out of such animals as I herd with and such occupations as I am engaged in?'

His first meeting with Macaulay at Holland House is graphically told, and his altered estimate of the brilliant essayist at a subsequent period is one of the few instances in which his change of opinion may be accepted as an indication of the fact. Macaulay was a very different man in 1833, when Sydney Smith called him a 'book in breeches,' from what he had become in 1850, when Greville sets him down as 'a marvellous, an unrivalled (in his way), and a delightful talker.' Brougham is overdrawn; although it was no easy matter to exaggerate either the

the marvellous range and flexibility of his intellectual powers or his eccentricities.

In speaking of style, we make, of course, the Horatian allowance for blots. Greville's vernacular epithets are in exceedingly bad taste, and he has favourite words which he commonly misapplies. The imputation of madness is peculiarly annoying, because it affects the family as well as the individual. But it is a frequent imputation with Greville. Erskine was mad, so was Brougham; so were both the Kings he served under; Wilkie was 'rather mad;' indeed, every one guilty of the slightest oddity or eccentricity is mad; and, tried by this criterion, most of us are mad: *semel insanivimus omnes.*

'Vulgar' and 'vulgarity,' again, are of constant occurrence, when 'common,' 'common-looking,' or 'coarse,' would be more appropriate. Poor William IV. is vulgar as well as mad. Washington Irving is 'rather vulgar' (he was not at all). Thiers is 'a little man, about as tall as Sheil, and as mean and vulgar-looking.' As to Macaulay, 'it was not until he stood up that I was aware of all the vulgarity and ungainliness of his appearance.' In each of these instances the term is misapplied and the observation superficial—

> 'In Conrad's form seems little to admire,
> Though his dark eyebrow shades a glance of fire;
> Yet, on the whole, who paused to look again,
> Saw more than marks the crowd of vulgar men.'

At a dinner duly recorded, 'Lord Holland said that Fox made it a rule never to talk in Johnson's presence, because he knew all his conversations were recorded for publication, and he did not choose to figure in them.' Did it never occur to Greville, or his editor, that other people might feel like Fox? that this practice of journalising, conducted on such principles, may end by becoming the plague, the bane, the curse of society? Fixing and perpetuating current scandals to be mistaken at no distant period for facts, is like condensing noxious vapours instead of allowing them to evaporate into thin air, or bottling and laying by decoctions of laurel leaves without labelling 'Poison' on the flasks. It is not only the great that must be content to live like bees in a glass hive:

> 'All their faults observed,
> *Set in a notebook*, learn'd and conn'd by rote.'

It is not only kings and princes that must refrain from being easy, careless, and communicative in the presence of any member of their suite. No one of any rank or station will be safe. No one,

one, man or woman, can be sure at any distance of time, that some careless expression may not crop up against them, to wound a relative or alienate a friend: that some long-forgotten calumny, some scandal refuted and lived down, may not be suddenly revived when the lapse of time, or the nature of the charge, has rendered disproof impossible. Mr. Reeve states, or means to state, that he has sought to publish nothing which could give pain or annoyance to persons still alive.* In other words, he conceived himself invested with a discretionary power of suppression, and has exercised it with the best intentions. Then how, without admitting to be right what we feel to be wrong, are we to avoid questioning his knowledge of the world, his acquaintance with society, his experience of the ordinary springs of action, of the commonest feelings that influence mankind?

Is it not pain or annoyance to a Sovereign to find such terms as beast, dog, ass, blackguard, buffoon, coward, applied to her uncles and immediate predecessors on the throne? Are the whole Royal Family of England supposed to be wanting in sensibility and self-respect? Can it be otherwise than galling to one nobleman to have an indiscreet conversation brought up against him, or to another to be told that he tamely submitted to an insult for the sake of place? Is it not pain or annoyance to a gentleman to be accused of depreciating an honoured brother, or to a lady to be made to bear witness against a revered father? Is it consistent with any known code of honour or courtesy to insinuate that a woman of rank took a fancy for a convict and sought a private interview with him in his cell? or to print in plain language that a charming actress, after undergoing a sort of persecution for her good looks, lost them and became something like a bore? Will Mr. Reeve make no allowance for natural feelings of any kind? for filial love, brotherly affection, honest pride, or excusable self-love? Does he suppose a new peer likes to be told that he is one of a horribly low set, or a great landed noble, that he would be utterly insignificant without his broad acres? The book fairly bristles with points of annoyance. It is running over with deleterious or dangerous matter; and to hurry edition after edition through the press, without regard to consequences, is to act like the lighterman who steers a loosely-packed cargo of gunpowder and benzoline through a

* 'The only omissions I have thought it right to make are a few passages and expressions relating to persons and occurrences in private life, in which I have sought to publish nothing which could give pain or annoyance to persons still alive.'—*Preface.*

populous

populous district, with a fire in his cabin and a lighted pipe between his teeth.

There is another consideration which might well have impressed the necessity of greater caution upon Mr. Reeve. The reputation confided to him, of which at all events he assumed the guardianship, was at stake. To what has it been brought? *Ubi lapsus? Quid feci?* By asserting that he has simply obeyed instructions, he cuts the ground from under us when we try to find excuses for Greville, but he does not strengthen his own position. He was surely free to disobey instructions which affected third parties or compromised his friend. If the living Greville had sent him a libellous, treacherous, or improper letter for publication, would he have published it?

There are people who think it a mitigation that the principal sufferers or complainants belong to the higher class, that monarchy and aristocracy are the main objects of attack. But even monarchy and aristocracy, princes and nobles, are entitled to fair play. Let them be subjected to the fiery ordeal of public discussion (which they have stood and will stand again) by all means. They claim no immunity. 'Bare the mean heart that lurks beneath a star'; but don't defame or libel them: don't distort their conduct or motives: don't set down all the bad you hear about them and suppress all the good; and if they occasionally cry out or turn upon their assailants, don't rail at them like the fishmonger who cursed the eels for not lying still to be skinned.

'A mixture of lies,' says Bacon, 'doth ever add pleasure. Doth any man doubt that if there were taken from men's minds vain opinions, false valuations, imaginations as one would, and the like *vinum dæmonum*, but it would leave the minds of a number of men poor shrunken things.' If this book were subjected to a similar operation—if vain opinions, false valuations, and imaginations as one would—if all the ingredients to which its popularity is mainly owing were taken from it, the result would be much the same: it would be left a poor shrunken thing, a thing of shreds and patches, like Jack's coat (in the 'Tale of a Tub') when the gold lace and embroidery were stripped off. No amount of correction or revision would remove the all-pervading taint of cynicism, or confer the inestimable quality of truth.

We are not aware that we have overstepped by a hair's breadth the strictest limits of literary courtesy in our strong condemnation of this book. We have tacitly assumed that Greville wrote the most objectionable passages without a view to publication, and that Mr. Reeve published them without intending to injure or annoy anybody. What is done cannot be undone.

But

But a grave error has been committed, which must not and (we think) will not be repeated. We venture to prophesy that the remaining portions of the Journal will not see the light in our time—certainly not in the same crude, mischievous, unsatisfactory form. Nor will the world be much the losers should any meditated publication of the same sort be deferred for the next hundred years. If contemporary history cannot be written without the aid of such memoirs, we had rather do without contemporary history —we can wait; for it is our firm conviction that any information or entertainment which may be derived from them is far more than counterbalanced by the annoyance they create, the distrust they inspire, the angry feelings they foster, and the false impressions of character and conduct they diffuse.

ART. II.—1. *Compendium Theologiæ Moralis.* Auctore P. Joanne Petro Gury, S.J. Romæ, ex Typographiâ Polyglottâ S. C. de Propagandâ Fide. 2 vols. 1872.

2. *Casus Conscientiæ.* Auctore P. J. P. Gury, S.J., Theologiæ Moralis Professore. Editio in Germaniâ Prima. Ratisbonæ, 1865.

3. *Compendium Theologiæ Moralis ad usum Theologiæ Candidatorum.* A J. P. Moullet. 2 vols. Prati, 1846.

4. *La Chiesa e lo Stato del P. Matteo Liberatore, D. C. D. G.* Seconda Edizione, corretta ed accresciuta. Napoli, 1872.

WONDERFULLY supple as may seem to be the Mechanism of the Society of Jesus (a sketch of which we gave in our last Number), it constitutes the mere skeleton of a system that derives animation from essences of doctrine too subtle to be compressed within the bounds of palpable provisions. Of such essences there exists but one visible symbol, the mystic letters A.M.D.G. (*ad majorem Dei gloriam*) conspicuously emblazoned as a sacred sign on the frontispiece of every work, structure, or creation, with which the Order acknowledges itself to be identified. Through the motto abbreviated into these four initial letters the Society of Jesus ostentatiously advertises itself as in possession of a superior knowledge in divine things, that can furnish means of specific efficacy for ensuring the upward progress of humanity towards a state of purified existence capable of reflecting the bright imagery of God's enhanced glorification. No other religious corporation has ever put forth kindred pretensions. It will be our endeavour to inquire what particular lights of thought and doctrine mark off this Jesuit illumination from

from that dimmer enlightenment which can suffice (as we gather from the Society's motto) only for an inferior glorification of God. For the knowledge we are in quest of we shall turn to the writings of Jesuit Fathers fully qualified to be considered authoritative spokesmen of their Order. It is however well to establish first the degree of guarantee implied by the Society's official *imprimatur* affixed to a book by a Jesuit writer; for, in his rejoinder to Pascal, Father Daniel pleaded that it could not fasten on the Order any responsibility for the opinions set forth in such publication. This plea is wholly untenable. In the 'Constitutions' it is written that 'no differences of opinion are admissible, whether in conversation or public discourse or written books, which last it is not allowable to publish without approval and consent of the General, who, however, may confine their examination to three men endowed with sound doctrine and eminent judgment.'* Again, the faculties of these Examiners are absolutely limited to inquiry into writings transmitted by the General, and to the draughting of an opinion, on which 'the General can take such decision as may to him seem suitable.' The Father Revisors have merely consultative powers; they never can sanction publication; they are not even allowed to receive a book for review from any one but the General; in every instance the sanction for publication expressed by the word *imprimatur* must emanate directly from the General himself at his absolute discretion.†

It would be a labour of supererogation to show what has been proved over and over again, that certain Jesuit Fathers in former days did broach gravely questionable opinions. No interest could attach to a repetition of work done so admirably for all times by Pascal. But interest may attach to the demonstration that the spirit of casuistry, riddled by his pungent invective, still flourishes with unimpaired vigour, and that the same maxims, which it might have been deemed that the shafts of Pascal's piercing wit must have banished for ever, are being inculcated at the present day in every Roman Catholic school, college, and seminary where Jesuit doctrine prevails, and this comprises the vast majority. The works on which we shall rely for evidence cannot be open to challenge. No modern treatise can show a more formidable array of guarantees than Father Gury's 'Com-

* Const. iii. cap. i. Inst. S. J., vol. i. p. 372.

† See 'Regulæ quæ a Patribus Revisoribus in recognoscendis nostrorum Libris observandæ sunt,' 1650. Reg. v., 'Absolutis cujusque libri consultationibus tam ejus libri approbationem, tam censuras, Patri Nostro subscriptas exhibebunt ut de his statuat quod convenire videbitur.' Reg. x., 'Nullum librum scriptumve a quoquam recognoscendum accipient præterquam a P. Generali aut ejus nomine a P. Secretario.'

pendium

pendium of Moral Theology.' It has been appointed, in Roman Catholic seminaries in all lands, as the standard Manual of Moral Theology. It has been printed in every country, and translated into every tongue. The Roman edition of 1866 is called the seventeenth, but we do not feel sure whether this reckoning comprises other than Italian issues. The one we quote from was issued in 1872 from the presses of the 'Propaganda' at Rome—the highest possible voucher for the entire approval of every line and every word in the book by the supreme representatives of the Roman Catholic Church. The volume on 'Cases of Conscience,' by the same author, is a commentary in practical elucidation of the larger work. The 'Compendium,' by Moullet, first appeared in 1834, at Freiburg, in Switzerland; and was particularly recommended by the Bishop of Lausanne 'to the whole clergy of the diocese,' on the special ground that the author's conclusions were eminently distinguished for their happy mean between 'rigorism and laxity.' The edition before us, printed at Prato in 1846, again enjoys the episcopal endorsement of its contents, while Gury brings the cumulative weight of his recognition to the value of Moullet, by referring to him as a decisive authority for the soundness of a particular opinion.

Advocate and antagonist will alike admit that the system of lax opinion popularly charged against Jesuit divines rests on three cardinal propositions—of Probabilism, of Mental Reservation, and Justification of Means by the End. We shall begin by examining whether those who now address us as approved organs of the doctrine of the Order have at all abandoned, as to these three heads, the sentiments which caused so great scandal when propounded by former Jesuit celebrities. 'Je vois bien que vous ne savez pas ce que c'est que la doctrine des opinions probables; c'est le fondement et l'A. B. C. de toute notre morale,' says Pascal's imaginary Jesuit in the 'Provinciales;' a statement amply corroborated by Father Gury. The first section in his ponderous volumes is devoted to an analysis of human actions and of their constituent motives. In the chapter on Lust we come across this axiom: 'Temptation when greatly protracted need not be *positively* withstood continuously, inasmuch as that would be over-irksome and render one liable to innumerable scruples.'* We then have definitions of conscience in various conditions, and of the moral facts from which it would be justified in deriving elements for its guidance and satisfaction. Prominently amongst such moral facts is ranked the *opinio probabilis*, which is explained to be 'any judgment resting on some really

* Gury, vol. i. p. 15, Resol. 6.

grave

grave motive, even though combined with dread of the opposite.'* This means that, notwithstanding an irrepressible inward impression that truth is really in opposition to a given *opinio probabilis*, yet any opinion, in behalf whereof can be adduced what is technically termed a 'grave motive,' may be safely accepted as full warrant for taking action in its sense. It is of such essential importance to grasp thoroughly the import, as expounded by the Father himself, of this doctrine which is the corner-stone in his system, that we must request the reader's attention to some illustration on the matter. We have had probable opinion declared to be an adequate justification for conscience to act upon it; but we have not yet learned what are the tests for an opinion to be judged probable. Father Gury is explicit on this head. If a person be of 'learning and uprightness,' then for any opinion he may entertain to become 'assuredly probable' for his own guidance, it suffices that he 'should be conscious of having thought it out diligently' and persuaded himself to his own satisfaction of its correctness; † for the general public one single author 'of exceptional superiority' is capable of rendering probable any opinion he may express, 'even though his teaching be contrary to what is commonly held;'‡ while in the case of a person 'unversed in letters' it is enough that he can point to a particular opinion as having fallen from any one whom 'he himself deems to be possessed of learning and insight,' for his confident acceptance of such opinion as a rule of action.§ As in the immediately subsequent line the efficacy of probable opinion is declared 'to ensure its rendering the dictate of conscience practically confident,' that is, to remove it beyond the reach of all disturbing scruples,‖ it is evident how far-reaching must be a doctrine which makes it justifiable to act on the authority of opinions, notwithstanding irrepressible inward misgivings as to their correctness, on the mere ground that they are found in type in some book, which for some reason is affirmed to be the production of a man of learning, or that they have been uttered by a person affirming that he has clearly argued himself into their truth. But this is not all we are taught in reference to probable opinions. Father Gury affirms,

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* Gury, vol. i. p. 36, Cap. 4. De Consc. Prob.

† Id., vol. i. p. 38, Conclusio 4. ‡ Id., Concl. 7.

§ Id., vol. i. p. 39, Concl. 8.

‖ Id., p. 39. Filliucius says this: 'Dico licitum esse sequi opinionem probabiliorem, relictâ minus probabili, etiamsi sit magis tuta . . . . licitum esse sequi opinionem minus probabilem, etiamsi minus tuta sit.'—Quæst. Morales, Lugduni, 1636, tom. ii. p. 12. And Moya, 'Quamvis opinio sit falsa, potest quilibet tutâ conscientiâ illam practicè sequi propter auctoritatem docentis.'—Opusculum, p. 27.

in

in a special proposition, that the fact of *extrinsic* probability, which consists in the merely clerical circumstance of a particular opinion being within the literal sense of terms employed by a particular writer of reputed authority, of itself gives to that construction all the value of probability ;* and this even though, by another ruling of the Father, the justificatory range of probable opinions reaches to points of divine as well as of positive legislation.† Accordingly we are instructed that it is no part of the duty of a spiritual adviser to disturb peace of mind derived from opinions the probability whereof is to him gravely doubtful. 'Is it lawful or incumbent on a Confessor,' asks the Father, 'to absolve a penitent bent on following an opinion, probable indeed, but contrary to the judgment he himself holds?' And his reply is in the affirmative, on the ground 'that the penitent has the right to follow any opinion truly and wholly probable, while the Confessor has no right to impose his own opinion even though it be more probable. For a Confessor is *no judge of the opinions his penitent should follow*, but is only a judge of his disposition.'‡ Do we not here become instinctively conscious of being in presence of those *adoucissements*, which were so scornfully lashed by Pascal?

The foregoing propositions are so many applications of the principle of dispensation, and the latitude involved therein acquires a range absolutely unlimited, when brought into correlation with the supreme depositary of sacerdotal essence. The query 'whether the Pope can dispense from God's precepts' is thus solved: 'He can dispense therefrom for a just cause in cases where divine law comes into action through human will, as in vows and oaths. In other cases the point is one of controversy, whether he is empowered *actually to dispense for some very grave causes or only to declare God's law suspended for the time.*' 'But,' adds Gury, not a little significantly, 'in *practice* the *difference* is of *small consequence.*'§ Without, however, bringing into play the supreme agency of

* Gury, vol. i. p. 53. Amongst the authorities cited in support of this proposition is a decision of the Congregation of the Holy Penitentiary that the material fact of an opinion being in St. Liguori's writings is ample warrant for its adoption without any need to weigh his reasons.

† Ib., vol. i. p. 52, Quær. 78. 'An licitum sit, uti probabilitate, non tantum in materia juris positivi sed etiam juris divini et naturalis?'

‡ Id., vol. i. p. 52. This ruling is repeated, vol. ii. p. 360: 'An possit absolvi pœnitens qui vult sequi opinionem sententiæ Confessoris oppositam? Resp. Affirm. si sit vere probabilis.'

§ Id., vol. i. p. 77. It should be noticed that in the section on Laws and their binding force, every Papal utterance or Brief, even though not inserted in the Corpus Juris, is declared to be possessed of the full force of law (see p. 89), a statement which would cover the *oracula vivæ vocis.*

Pontifical

Pontifical plenitude, many concrete cases are given by Father Gury, in which a notable departure from the received acceptation of the law is justified, and some of these cover precisely the points in the history of the Order that have caused much controversy. Thus we are told that it is certainly not unlawful to adopt the symbols and vestments of pagans if only these are considered by the wearers in the character of prevalent national customs, and therefore not necessarily *per se* referable to a particular worship.* But even 'if they should be the vestments and symbols of religion,' Father Gury sees a way to justify their adoption by Christians; they might be lawfully worn if only 'the vestments were not exclusively distinctive between sect and sect, for then their primary use would be to cover the body, and only their secondary use to distinguish the sect'—a ruling that very appositely meets in part the case of the Chinese rites. The Jesuit missionaries were, however, accused besides of having materially modified articles of Christian doctrine to suit the Chinese intellect, so as even to have excised such points as the Incarnation and Crucifixion. If they did so, they did only what Father Gury distinctly affirms to be quite legitimate. The query is gravely mooted, whether '*explicit* belief in the Mysteries of the Holy Trinity and the Incarnation be indispensable in a Christian,'† to which Father Gury replies, that opinions are divided on this head; but, says he, 'the one which is the more probable is in the negative, for the reason, that a merely *implicit* belief sufficed before Christ, and therefore should also suffice after his coming.'

He then considers whether 'absolution can be obtained by one who ignores the Mysteries of the Trinity and the Incarnation;' and, again, after some circumlocution, his conclusion is, 'that according to the more probable opinion, he can be *validly* absolved if only he be living in invincible ignorance.'‡ Here we have met with a term of first-rate importance in the system of our Jesuit divines, but also of singular elasticity, the bearing of which it is essential to grasp. Let an individual be surrounded by preachers straight from heaven, speaking with tongues of divine persuasion, and yet, according to the definitions given of what constitutes invincible ignorance, he might, with impunity, withhold acquiescence, alleging moral in-

* See Gury, vol. i. p. 124.

† Gury, vol. i. p. 125. 'An requiratur fides explicita mysterii SS. Trinitatis et Incarnationis de necessitate medii?'

‡ Gury at least puts his proposition as admitting of some controversy. Moya's language is even more positive: 'Fides explicita de Mysteriis Incarnationis et Trinitatis non est medium necessarium ad salutem.'—'Opusculum,' p. 36.

ability

ability to comprehend what was spoken, while in fact he was obdurately bent on not expressing assent, from the design to establish a plea for the indulgence of a selfish purpose. Invincible ignorance should be a natural malformation of the intellect (except in cases where physical means of knowledge are absent), which prevents a fact being recognised and a truth being felt, just as insanity in the eyes of the law exempts an individual from its consequences, as incapacitated for discriminating between right and wrong. There is, however, this capital distinction between the methods by which the relative pleas are established, that, whereas legal tribunals apply objective tests to confirm the existence of insanity, it is enough that invincible ignorance should be persistently alleged by a party for it to be admitted, with all its consequent exemptions. The scope of a rule can be found only within the terms in which it is laid down; and our contention is, that in the definitions and exemplifications given by Father Gury in regard to invincible ignorance, no term can be found which would render it necessary, before the validity of this plea is admitted, that there should be aught adduced in its support besides the obdurately persistent insistance of the party interested in not acquiescing in a particular proposition, or in not admitting a particular fact. No language can be more precise than Gury's as to the degree of relief from obligations ensured by invincible ignorance. 'Invincible ignorance,' says he, 'wholly removes all voluntary element, for nothing can possibly be voluntary where there is no cognition. . . . according to the axiom, Nothing can be willed unless it be previously contemplated. Therefore, *no deed proceeding from invincible ignorance can ever be made the ground for accusation against the doer.*'*

The case of the Jesuit missionaries in China, judged by these grave sentences, would therefore stand thus:—For Christians to adopt Pagan customs, when to omit doing so might be attended with some inconvenience, is quite legitimate; only they must say to themselves inwardly that they mean merely to conform to a local practice, irrespective of its intimate relation to heathen observances. Again, it is not at all essential for a Christian to believe explicitly in the Trinity or the Incarnation; should, therefore, missionaries boast of numerous converts, none of whom have been indoctrinated in these dogmatic points, there would be no ground for charging the missionaries with laxness, as they would only have omitted to teach what was not essential, or for denying to these neophytes the character of thorough Christians, their

* Gury, vol. i. p. 13.

ignorance

ignorance on these points of established secondary importance being plainly invincible, consequently in all they did in China the Jesuit Fathers must be held wholly beyond reproach.*

Let us now see what we can learn in reference to Mental Reservations, the second capital count in the popular indictment against Jesuit principles. 'Une chose des plus embarrassantes qui s'y trouve,' exclaims our Jesuit of the 'Provinciales', 'est d'éviter le mensonge et surtout quand on voudrait faire accroire une chose fausse. C'est à quoi sert admirablement notre doctrine des *équivoques*. Mais savez-vous bien comment il faut faire quand on ne trouve point de mots équivoques?' 'Non, mon père.' 'Je m'en doutais bien,' dit-il; 'cela est nouveau; c'est la doctrine des *Réservations Mentales*.' Father Gury carefully points out that Mental Reservations are of two kinds, the *strictly* and the *latently* mental. The first are absolutely unlawful, as involving the use of terms from which the hearer never could infer the concealed sense of the speaker. But 'for grave reasons' it is 'lawful at times to make use of *latent* reservations, as also of equivocal terms,' it being quite essential, however, that the terms be such 'as may make it possible for the listener to understand a matter as it really is, and not as it may sound.'† In other words, it is a condition *sine quâ non* for this device to pass muster, that it should be carefully constructed out of terms into which a double meaning can possibly be imported. Consistently with this ruling, we learn that no oath need be binding, of which it can be alleged that a sense of pressure conduced at the time to its having been sworn. Coercion may very fairly be taken as an extenuating circumstance for departure from an engagement; but it is startling to find it enunciated as a principle, in the standard Handbook for the instruction of Roman Catholic youths in Moral Obligations, that an oath may be repudiated with perfect impunity, if only the person who has sworn pleads to having been at the time influenced in his mind by some apprehension of possibly injurious consequences, unless he did so swear.

It is well to follow out Gury's doctrine as to the force of solemnly contracted promises. In the section about Contracts

* Gury reverts to this matter in the 'Casus Conscientiæ' (p. 60). 'Can a missionary,' he asks, 'for purposes of concealment assume the dress of ministers of a false religion so that he may seem one of them?' which is answered in the affirmative, the same qualifying grounds of distinction as above being adduced; 'for dresses primarily serve for covering the body, and are not merely declaratory signs of some sect.' This ruling meets the case of the Jesuit who in Sweden occupied a chair of Protestant divinity.

† Gury, vol. i. p. 280. 'Quomodo præcisè distinguatur restrictio latè mentalis a restrictione strictè mentali?'

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we find this query: 'If a donation has been promised on oath, but has not yet been delivered, is it still binding?' which is answered negatively,* on the ground that, as the deed is incomplete, it is void in substance, and consequently no oath in reference thereto can be held to have binding force. Father Gury—and he is in accord with the divines of his Order—has, however, more to say in limitation of the obligations following on oaths. He lays it down, that according to more probable opinion no oath is binding 'if made with the intention indeed of swearing, but not of binding,'† though he admits that to go deliberately through the semblance of an oath without any intention to keep it does involve 'a venial sin amounting to a lie, with a taking in vain of God's name.' To remove all doubt as to what is implied, this explanation is given: 'The binding force of an oath has to be interpreted according to the tacit conditions either included or implied (*subintellectas*) therein; which are: 1st, if I could have done so without grave injury; 2nd, if matters had not notably changed; 3rd, if the rights and will of the superior were not contrary; 4th, if the other had kept his faith; 5th, if the other does not waive his right.' Whatever may be said for several of these relieving conditions, the first virtually puts it within every one's power to repudiate his oath whenever he sees fit to allege that its observance would be accompanied by what he himself thinks to be serious discomfort; for here again, no qualification limits the faculty of the interested party to impart, of his own mere will, a justification to the action that may suggest itself as pleasant for adoption.

The prohibitions against spiritual advisers interfering to make so-called penitents entertain a rigid sense of duty are elaborately explicit. Though he might have grounds to entertain 'doubts as to the sincerity of the penitent,' ‡ the Confessor is yet simply to accept his statements. Even in the case of 'having certain knowledge that a sin has been kept back or denied,' the Confessor is not to extract its admission unless in a roundabout manner, but he shall grant absolution because the penitent must be believed, whether speaking for or against himself; and 'if he really did commit the sin in question, it may be presumed he has forgotten it, or confessed it to another, or has some great cause for keeping it secret, or that the informers were deceived.'§ What room for equivocation is afforded by this ruling the following exemplification will show. 'Anna having been guilty of adultery,

* Gury, vol. i. p. 483.

† Gury, vol. i. p. 200, 'Non valet probabilius juramentum factum cum animo quidem jurandi sed non se obligandi, nec vice versa.'

‡ Ibid. vol. ii. p. 355.

§ Ibid. vol. ii. p. 355.

and being interrogated by her husband, who has formed a suspicion, answers, the first time, that she has not violated wedlock; the second time, having in the interval obtained absolution, she replies, *I am guiltless of such crime.* The third time, she absolutely denies the adultery, and says, *I have not committed it*, meaning within herself such particular adultery as I am bound to reveal, or, I have not committed an act of adultery that has to be revealed to you. Is Anna to be blamed?'* Gury's reply, too long to give here, justifies each answer of the adulterous woman, supporting his ruling by a grave array of Jesuit authorities, amongst which figure Suarez and St. Liguori.

In illustration of the equivocation that has been practised by the Order in its corporate capacity, the facts connected with the purported condemnation by its General of the doctrines on Tyrannicide, and the Supremacy of the Pope over Princes, maintained by Suarez in his treatise, '*Defensio Fidei Catholicæ*,' are of interest. The first edition appeared at Coimbra in 1613; and in September, 1614, Paul V. conveyed to Suarez, in a Brief, his Pontifical approbation of its contents. Despite this august sanction, the treatise excited controversy, and in 1618 it was even condemned by the Parliament of Paris to be burnt by the public hangman. Thereupon the Jesuits came forward with a Brief alleged to have been issued by their General Acquaviva, as early as August, 1614—that is, a month before the Pope's congratulatory Epistle — prohibiting all public discussion by members of the Order on the two points that had given rise to the objectionable propositions. This Brief has been reprinted in the Institutes† and reads there as a general instruction to all Provincials not to tolerate within their jurisdictions any disquisition as to the Pope's Supremacy or Tyrannicide, without special authority from Rome. But Juvencus, in his History, printed with official approval a century later in Rome, informs us incidentally that this Brief never was a general instruction, but was addressed to France alone, having been written solely to allay the unpleasant controversy there awakened by Suarez's propositions.‡ This statement at once deprives the document of the character sought to be given it by Jesuit apologists. There is,

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* See Gury, 'Casus Conscientiæ,' Restrictio Mentalis, p. 129.

† Inst. S. J., vol. ii. p. 5. 'Præceptum Provincialibus circa editionem Librorum.'

‡ 'Abunde jam provisum fuerat a Præp. Gen. Societatis ne tractarentur a nostris scriptoribus hujus generis argumenta . . . Exstabat editum ante annos quatuor, super eâ re decretum, quod *in Hispaniam tamen et in Lusitaniam non perlatum erat, quia nulla ibi lis ejusmodi movebatur, atque decretum Acquavivæ a Patribus Gallis fuerat procuratum, sic ad eos, propriè putabatur.*'—Juv., p. 88, lib. xii. Romæ, 1710.

however,

however, something more to be observed. By this document most certainly all publications on the said topics are professedly prohibited for the future, without special permission from Rome. Suarez's volume has been re-issued,—in 1619 at Cologne, in 1655 at Mayence—without a trace of such special permission, and without disapproval from the General. Had the special sanction then been given clandestinely? If it had not, why did the Order never reprove the new issues? It is certain that at no time has the Order levelled a word of public censure against Suarez. On the contrary, he is proclaimed as a light of the first magnitude in the firmament of doctrine by Father Gury, in his most recent editions:—'Inter Theologos post D. Thomam eminens, a Paulo V. et Bened. XIV. *doctor eximius* nuncupatus, et apud omnes ingenio, *doctrinâ*, et *sapientiâ* admodum commendatus.' We shall have occasion to advert to certain propositions of quite modern date as to the Pope's Supremacy over Princes; and then it may possibly be deemed that the principles embodied in the objectionable doctrines, on account of which Suarez's treatise was publicly burnt, are to be found at the present day in the approved writings of the great organs of Jesuit learning and doctrine.

In our former article we dwelt on some matters which apparently countenance the allegation, that clandestine affiliation is a thing not absolutely repudiated by the Society. It is not without relevancy to this point, and specially to Mental Reservation, that clandestine conversions to, and protracted clandestine professions of, the Roman Catholic faith, are declared quite permissible practices under certain circumstances. At page 60 of the 'Casus Conscientiæ,' we read the following interesting case:—'Paternus, a Protestant clergyman and in extreme peril of death, having come to believe the Catholic religion to be alone true, has requested a priest to be called in, but that he should come dressed as a layman, to avert all suspicion of the convert's being about to abjure heresy. To this priest Paternus opens his mind, attaching however two conditions; that in the event of his succumbing to the illness, he be allowed to die concealing the Catholic faith and the baptism he had received; and that, in the event of recovery, he be allowed to postpone his public profession until such time as this could be done free from any injury to his estate. To both conditions the priest assents readily.' The question is, Was the priest justified in doing so? and Gury's argumentation is eminently typical of the spirit pervading all Jesuit doctrine—which finds expression in the apparently emphatic affirmation of a rigid principle, coupled with the immediate introduction of terms which practically make the observance of the affirmed prin-

ciple a matter of option at the dictate of expediency. With stern rigorism our Father begins by declaring it hardly conceivable how the first condition could be conceded, 'for Paternus was bound before death to profess the true faith and recant the errors he had taught, otherwise as one not properly disposed he could not be admitted to the grace of baptism. Besides every true believer is bound to profess his faith, no matter what injury may confront him, whenever the glory of God and the salvation of his neighbours demand this, and in the given circumstances, the glory of God and the salvation of his neighbours did alike demand a public profession from Paternus as tending towards the extirpation of the errors he had been teaching.' At this point our moralist breaks abruptly away from this prelude of rigorism, couching the remainder of his utterances in a very different tone. 'Should however,' are his words, 'despite every possible effort, Paternus prove incapable of being persuaded [to waive his conditions], as a last resource, he might be induced to attest before more witnesses than one that he professed and wished to die in the Catholic religion, or he might at all events affirm that he had entrusted some secret of great moment to the priest, to be declared after his death. In this manner he might satisfy his obligations. *A fortiori* this transaction would be feasible, should Paternus be not a clergyman, but a simple heretic. But,' adds the cautious Gury, 'it would be prudent in the priest not at once to manifest the entire obligation, but first to declare only the lighter portion, so that this having been accepted the penitent might be led on to the greater.' There remains, however, the condition as to postponement of a public declaration, in the event of recovery, until such time when the convert may consider himself secured against all risk to his worldly interests; and to this condition Gury distinctly asserts there can be no objection, provided a fairly serious motive can be adduced, 'for it is lawful to dissemble the true faith for a while in consideration of *severe inconvenience* that might accrue from public profession.' The only limitation on this indulgence, which Gury considers proper, is that a clergyman, after clandestine profession of the Catholic faith, should evade the direct performance of any sacerdotal offices connected with the service of his secretly disowned Church. With this single exception, we are unable to gather from Gury (and he cites in concurrence two great luminaries of Jesuit doctrine, Elbel and Tamburini), that there can be any material obstacle, if some motive of expediency recommended the proceeding, against a convert being admitted to embrace the Roman Catholic faith in strict secrecy, and being afterwards allowed for

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an unlimited period to go about the world, carefully concealing from its sight the fact of his profession. It is true that the grant of indulgence seems limited to cases where specially serious consequences would be entailed on immediate public profession. But to any one familiar with Gury's terms this qualifying limitation reduces itself to nothing, as it is dependent on no other standard than the stubborn insistance of the neophyte himself to exact the concession, and the appreciation of the priest as to which is worth more to the Church—the proffered accession of a particular neophyte on his own terms, or the stern enforcement of a rigid principle.

We now come to the third great count in the indictment against the teaching of the Jesuits, that they have affirmed the maxim of means being justified in virtue of the end to which they are applied. No charge has more powerfully tended to raise popular prejudice against the Jesuit Fathers. The champions of the Order have indignantly denied that this maxim has been broached. They challenge the quotations in support of this allegation, as marked with misprision or prompted by a spirit of misconstruction. It is essential in a review of Jesuit doctrine, however summary, to arrive at an understanding in reference to this point. We believe it to be demonstrable that the maxim has been broached clearly and definitely, by an unbroken chain of Jesuit divines of first-rank standing, from Busenbaum down to Gury and Liberatore.

In substantiation of this statement we submit a series of quotations from writers whose authority cannot be disowned by the Order. The first is from Busenbaum (who may be called the Patriarch of the Maxim), whose 'Medulla' has gone through more than fifty editions, and, by its reprint not many years ago in Rome at the press of the 'Propaganda'* can claim the continued and solemn approval of the supreme authority of the Church. 'Cum finis est licitus, etiam media sunt licita,' are his words, and again, 'Cui licitus est finis, etiam licent media' (pp. 320 and 504, ed. Francoforti, 1653). Amongst Jesuit luminaries of first magnitude ranks Layman, of whom Gury says, 'Inter maximos theologiæ moralis doctores sine dubio referendus.' In his 'Theologia Moralis' (Munich, 1625) we meet with the same proposition in almost the identical formula, 'Cui con-

* The plea that no responsibility is implied by permitting such reprint is confuted by the course adopted in another case. Emmanuel Sá, having given expression in his 'Aphorismi Confessariorum' to some opinions which in Rome were deemed objectionable, these had to be expunged in subsequent editions. Why has this not been done, at all events, in the recent editions of Busenbaum, issued as they are from the Propaganda press, if any portion of his doctrine had been taken exception to in Rome?

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cessus est finis, concessa etiam sunt media ad finem ordinata.' In 1762 the Jesuit Wagemann, Professor of Morals at the University of Innspruck, published a Synopsis of Moral Theology, duly authenticated by official approbation, in which occurs this passage: 'Is the intention of a good end rendered vicious by the choice of bad means? Not if the end itself be intended irrespective of the means,' a proposition which he thus exemplifies: 'Caius is minded to bestow alms, without at the time taking thought as to the means; subsequently, from avarice he elects to give it out of the proceeds of theft, which to that end he consequently commits;' and so Caius would be entitled to the merits of charity though he has aggravated the offence of violence by the motive of avarice. Wagemann is not a doctor who deals in obscure words, for he says: 'Finis determinat probitatem actûs,' a definition of singularly neat precision.

Our next extract is taken from the widely disseminated treatise on 'Moral Theology' by Father Voit. He puts the following case:—'Arcadius kills Caius in some city where the law inflicts capital punishment on a murderer. Arcadius is delivered up and condemned to death, but he escapes, forcibly breaking out of prison, though foreseeing that he may render his gaolers liable to grievous injury. The question is whether Arcadius, by escaping after sentence had been pronounced, has done wrong. My answer is in the negative. . . . Has Arcadius then done wrong by rupturing his chains and forcibly breaking out of prison? . . . He has done no wrong, *cui enim licet finis, ei et media permissa sunt.*'* The estimation in which Voit is held would be sufficiently evidenced by the fact of the edition we quote from being the twelfth; but we have heard of three other editions of modern date—one printed at Rome in 1838, another at Ancona in 1841, and the last at Würzburg in 1860. Indeed, the soundness of his language has received a crowning illustration in the circumstance that his formula and his exemplification have been adopted almost textually by the two most signally honoured modern luminaries of Jesuit teaching—Fathers Liberatore and Gury. In an essay, originally inserted in what has been proclaimed by Pius IX. the special organ of true doctrine, the 'Civiltà Cattolica,' Father Liberatore, after an elaborate argument in support of the indefeasible title of the Church to press into her service the agency of physical means, thinks to strengthen his position by the maxim 'that from the obligation to attain an end arises the right to procure the

* 'Theologiæ Moralis a P. E. Voit, ed. duodecima, accurate emendata curâ et studio Domini M. Gauthier.' Parisiis, 1843, vol. i. p. 99.

means

means needful and useful for obtaining the same.'* Finally, amongst Gury's hypothetical problems is one as to the justification for an individual guilty of a gross theft first to deny his guilt, and then, after condemnation, to escape from prison by violent means, such as perforating walls and breaking open doors. By common consent it is declared, that before condemnation a guilty party is certainly entitled to escape, while, though there is controversy as to whether this is lawful after sentence, Gury adduces the opinion of 'several' who hold it to be always lawful to break away from very stringent imprisonment, '*carcerem durissimum*,' on the ground 'that it would be an act of heroism to undergo very severe punishment when it was possible to escape easily.'

But be this as it may, of one thing Gury speaks with confidence;—'In all cases where it is not unlawful for a guilty individual to escape, he does no wrong in breaking open doors and perforating a wall, *quia ubi licitus est finis, etiam licita sunt media per se indifferentia*.'† No doubt there appears here to be introduced a qualification through the introduction of the last term; but if the reader will have a little patience, it will be seen that the limitation involved in this term shrinks into infinitesimal proportions. Unless we grievously misunderstand Father Gury, his test for the *indifference* of an act resides exclusively in the question, whether or not it must necessarily be wicked under all conceivable circumstances. For instance, an act of adultery could never be indifferent, though an act of stabbing can be so considered, inasmuch as the operation of plunging a knife into a living human body need not be, under all conditions, hurtful, but might possibly be beneficial, as in a case of surgery. This will become clearer when we come to what Father Gury says as to evil intentions not rendering wicked an indifferent act. Here we confine ourselves to the opinion—and we assure those who challenge our view that we have arrived at it not lightly—that, according to Father Gury's definitions, the words 'per se indifferentia' cannot be held to limit in any effective degree the licence involved in the other terms of the proposition. We submit, therefore, that the quotations given establish that the maxim of the end justifying means has been broached by a successive chain of eminent and approved Jesuit divines, and that the approbation of the said maxim has been continued to our day, as evidenced by the repeated recent issue, with authoritative sanction, of the works by former writers containing the

* 'La Chiesa e lo Stato,' 2nda Edizione, p. 185.
† Gury, 'Casus Conscientiæ,' p. 332.

doctrine

doctrine in question, and the reiteration of the same by Fathers Liberatore and Gury.

Having satisfied ourselves as to the views held by those best entitled to represent the actual teaching of the Society in regard to these three main principles—Probabilism, Mental Reservation, and Justification of Means by the End—we proceed to some consideration of their attested application, as far as this can be gathered from positive rulings by the same high authorities. This inquiry falls aptly into two divisions, corresponding to the two groups into which cases arrange themselves naturally: one comprising the dealings between Man and Man which arise out of the relations of individual life, the other comprising points that touch the relations between Man as a Citizen and the Community as a State. We commence with the first category.

Amongst not a few Christians it has become an accredited notion that Charity is a virtue of capital merit; but if we accept Father Gury's ruling, we can hardly avoid looking upon it as a trivial, if not a downright silly practice. In the section devoted to a definition of what is demanded by 'Love of one's neighbour'* we find the following canon:—'First Rule—Every one is bound *simply* and *absolutely* to love himself more than his neighbour, for the reason that every one stands nearer to himself than does any one else. Hence, love of oneself is by Christ laid down as the standard for love of a neighbour—*Love thy neighbour as thyself.* This, besides, is clear from the natural and insuperable disposition to love oneself more than one's neighbour; whence the common maxim—*Charity, well understood, begins at home.*' In Montaigne or La Rochefoucauld such a sentence would have sounded not out of character, but in an approved 'Handbook of Morals,' it falls on us with a rather startling ring. Yet the terms are perfectly normal according to Jesuit theology. If we refer to Moullet we meet with these words: 'In the order of *effective* charity, it is our duty to love ourselves more than a neighbour.'†

To clear away all ambiguity, Father Gury explains that acts of charity are incumbent only on those who 'are tolerably well off, and either the absolute lords or administrators of their properties;'‡ and that in cases of 'ordinary necessity,'

* 'De Amore Proximi,' Gury, vol. i. p. 1319.

† Moullet, 'Comp. Theol. Mor.,' De Charitate erga Proximum, vol. i. p. 244. This is a maxim of old standing. Maldonatus ('Summula,' Coloniæ, 1605) already says, 'Quod attinet ad affectum, nemo tenetur præcepto tanto affectu alios diligere, quanto se.'

‡ 'Quinam debeant, aut possint eleemosynam facere? Illi soli generatim qui sat commode vivunt, et sunt veri domini vel bonorum suorum administratores.' Gury, vol. i. p. 145.

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the obligations of charity cannot involve more than certain assistance 'out of superfluities, to the extent of some privation of pleasures.'* Even in cases of 'extreme necessity . . . . no one is bound to lay out any large sum of money for relieving a poor man from peril of death.'† Only in cases of the gravest necessity does a call exist for some contribution 'out of the strict necessaries for the donor's station,' which are enumerated as comprising not merely 'what is needful for the education of the family, but also the maintenance of servants, the reception of guests, the cost of fitting presents, and of customary entertainments.'‡ It seems to us that in virtue of this definition of 'necessaries,' any one disinclined to charity might escape its calls on the plea of impecuniosity, while this had been artfully incurred by deliberately wasteful expenditure on lavish feastings, with the express view of securing a plea, which must be held valid by a Jesuit confessor, for shirking an irksome obligation. For Father Gury lays it down distinctly, that no evil intention can render wicked any deed which in itself must not by nature be necessarily evil §—a proposition illustrated by various remarkable exemplifications. A judge is declared free from blame who may have condemned a murderer to death, though he was actuated in pronouncing the sentence by personal hatred, because the sentence was within his legal attributes. The same rule is held to apply to a landowner, who, with the deliberate intention of injuring his neighbour, diverts a stream into a particular channel, if only he can allege that in its old course it had caused some annoyance to himself, for he would be merely availing himself of a faculty within his strict right.

Father Gury does not shrink from extending justifications under this head even to acts designed with the view of compassing death. 'An individual sets poison or a snare in a locality where his enemy, though very rarely, passes, with the express intention that he might perish if he should chance

* On the same page (vol. i. p. 144) we have some curious calculations as to the proportion, not of gross income but of what remains over outgoings—of loose pocket-money—that need be bestowed in alms to fulfil all ordinary obligations of charity. According to the opinion best entitled to acceptance, one-fiftieth is said to be ample, and even this proportion need not be so expended where the superfluous sum is very large. Some doctors, indeed, he adds, as, for instance, Concina, characterised as 'sententiarum rigidarum fautor' (vol. ii. p. 631), are disposed to claim for the poor a twentieth, and even possibly a tenth.

† 'In necessitate gravi vel extremâ . . . . nemo tamen tenetur magnam pecuniæ summam erogare ad pauperem a periculo mortis liberandum.'—Gury, vol. i. p. 144.

‡ See various definitions, Gury, vol. i. p. 144.

§ 'Ad injuriam non sufficit mala intentio.' Gury, vol. i. p. 405. See also p. 366.

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to come by. A physician applies the degree of attention he is bound strictly by his calling to exercise, but out of hatred is resolved to apply none beyond, in order that the patient's death might ensue.' Gury asks whether these men should be held guilty of having wrongfully caused death, if this actually came about from circumstances prepared with so much deliberation. His answer is distinct, that according to the *more accredited* opinion they should be held exempt from guilt, 'because, on the one hand, the external act is not unjust, inasmuch as, in human dealings, the mere possibility of another man's injury has not to be taken into account, and on the other hand an internal act is not rendered unjust in virtue of intention, for intention has influence neither for the efficacy of a cause, nor for peril of injury. Consequently, the result must be said to have happened by mere accident, and of this an evil intention does not change the nature.'* We venture to affirm that no one who has thoroughly drunk in the essence of Father Gury's teaching—and it cannot be too often repeated that his teaching is now systematically administered in most Roman Catholic seminaries—need ever be disturbed in his conscience as to any moral liabilities being consequent on intentions, however wicked, if these have only been artfully connected with agencies of which, by some ingenuity, it could be plausibly pleaded that in some conceivable contingencies they might prove possibly harmless.

It must be admitted that Gury is elaborately precise when dealing with points of conscience that arise out of transactions which, to unsophisticated minds, seem acts of fraud or theft. It may perhaps cause surprise to hear it gravely questioned, in a Handbook of Moral Duties, whether 'you are bound to make any reparation for the harm that has befallen another in consequence of your unjust deed, as for instance, if the theft were imputed to him of that which you yourself had stolen.' Father Gury will not even admit the possible probability of this notion, and he gives three grounds, respectively *probable*, more *probable*, and *certain*, against such obligation, 'even though you should have expressly striven to get your own action imputed to him;' the basis of his argumentation being laid in a casuistic distinction between what is accidental and what is inherent, and in the assumed inefficacy of evil intention to render evil any action of which the possible indifference can be pleaded.† Astounding

* See for all this Gury, vol. i. pp. 366–7.

† Gury, vol. i. p. 404, Resp. 2 and 3 ad Quæst. 13. 'An tenearis reparare damnum alicui obveniens occasione injustæ tuæ actionis, v. gr. si furatus fueris et furtum ipsi imputetur. . . . Imo probabiliter etiam negandum est, *licet de industriâ egeris*, ut actio tua ipsi imputetur, quia semper hæc actio est tantum causa

ing as this may sound, the following exemplification of what roguery may perpetrate, with every security against disturbance of conscience, will probably seem yet stranger. 'Quirinus, with the intention to steal a piece of cloth, breaks into a shop at night and lights a candle, taking due precaution to guard against the danger of fire; but, by some sudden chance, for instance the leap of a cat, the candle is pitched into the straw; quickly the whole shop is in flames, and the thief taking flight only just gets off safe. What about Quirinus? Why *he is liable for nothing*, inasmuch as he never contemplated the danger. He is certainly not liable for the cloth it was his intention to steal, even though he had laid his hand on it, for its destruction also is involuntary; neither is the seizing of the cloth the cause of the injury, nor did the carrying of the candle create the immediate peril of conflagration, sufficient care having been employed.'* The necessary conclusion from this exemplification is, that should some one have broken into a dwelling, with deliberate intentions of burglary, and should he have become the direct agent of an occurrence which but for his unlawful presence at that very time never could have happened, involving intensely aggravated injury to the already wronged owner of the invaded dwelling, nevertheless this burglarious individual would be entitled to dismiss from his conscience all idea of his being under obligations of reparation (provided he himself has also lost the goods on which he had laid burglarious hands)—as regards the consumed dwelling, because his instrumentality had been unpremeditated,—as regards the purloined articles, because they had subsequently slipped out of his hold.

The whole theory which is propounded by our Jesuit divine, in regard to the laws that should regulate distinctions between Mine and Thine, departs so widely from what are generally held to be fundamental principles, that we must say a few more words on a matter so intimately affecting the capital relations of society. Although we were told that not even the direst distress could establish a call to make any such disbursement in charitable relief as would encroach on our comforts, we learn that not merely a sense of pinching necessity but the bare apprehension of its imminence would entitle an individual to help himself out of his neighbour's property. Here again we encounter that capital feature which, like a red thread, runs through the whole system of Jesuit doctrine, providing the unfailing sanction for laxness in the appli-

causa damni *per accidens* et non *per se*; non enim in illud ex naturâ suâ efficaciter influxit. Prava enim intentio non efficit ut injustum sit illud opus, quod ex se respectu tertii injustum non est.'

* See Second Case. Gury, vol. i. p. 406.

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cation of principles—namely, the unlimited discretion accorded to the individual in assertion of justificatory pleas. Just as for the probability of opinions and the invincibility of ignorance, so also the determining test for the plea authorising an invasion of other people's property rests wholly on the *ipse dixit* of the party interested in exemption from established law; for who can verify the existence of an inward apprehension as to necessity being *imminent?* All that is wanted in the eyes of Gury is, that a person should vehemently affirm his having been prompted by some inscrutable dread of threatened distress. Of necessity itself, however, a definition is given. It is of three degrees: 'ordinary, in which pauper mendicants as a rule find themselves;' 'grave, in which life is kept up with great labour;' and 'extreme, in which life itself is in risk.' An individual in this last plight is pronounced to be entitled 'to make use of as much of another person's property as may suffice for relieving himself from the said necessity, on the ground that *division of goods, however it may have been made, never can derogate from the natural right appertaining to every one to provide for himself, when suffering from extreme necessity. In such circumstances all things therefore become common, so that any one receiving another person's property for his own succour receives a truly common thing which he converts into his own, just as if this were happening before the division of goods. Consequently, he commits no theft.*' * The allegation often heard in Germany that the strength of the Communistic movement lies there amidst a population prone to priestly influences, will hardly lose in weight when we find propositions enunciated by such high ecclesiastical authority, that embody maxims of the rankest Communism.

Even this does not exhaust the pleas advanced by Gury in justification of proceedings which unskilled Christians would consider acts of reprehensible violence. 'All that has been said about *extreme* necessity,' says Gury, 'is also applicable to *quasi* extreme or very grave necessity, such being deemed to have occurred when there is *probable* peril of incurring death, or of losing an important limb, or of lasting imprisonment, or of *undergoing the penalty of the hulks* (*pœnam triremium*), or very serious or enduring illness.' † Let it be noted that in the schedule of justificatory circumstances, no qualifying term makes the application in reference to the hulks dependent on the justice or injustice of the sentence. In foreign countries condemnation to the hulks—technically termed the *Bagnes*—has been freely awarded to those considered dangerous revolutionists. We need only call to mind

* For all this see Gury, vol. i. pp. 374-5. † Gury, Resol. iv. p. 375.

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the Neapolitan Liberals of 1848—Poerio and his comrades, who for so many years had to drag the galley slaves' chains. Again, recently, we have seen deported first to the *Bagnes* on the French coast, and then to penal settlements, large convoys of so-called Communard prisoners as men too dangerous for society to tolerate. We should like to have it from the lips of a skilled Jesuit Father, how he would have borne himself in the following case. We assume our Father to have been Almoner in the prison of Poerio or of Rochefort, and that it had come to his knowledge that either was planning evasion, and cunningly contriving to procure through robbery the means for seducing the gaolers, so as to effect his escape from that convict condition which is affirmed by Father Gury to constitute the kind of necessity which justifies recourse to such practices. Would the Father Almoner have spoken words of encouragement to the plotting prisoners as engaged on a meritorious enterprise, or would he have informed the governor of the intended evasion, and if so, on what ground would he have justified that proceeding in the face of maxims confirmed by the highest authorities of the Church, through the sanction accorded to Gury's book? Father Gury himself candidly admits that what is lawful to the principal is lawful to an accomplice, so that a friend breaking into a bank, to procure the money for facilitating the escape of a confederate out of the *Bagne*, would be simply 'showing that he loved his neighbour as himself.' * Lest the reader should fancy that these rather startling propositions flow from a train of thought peculiar to Gury, we subjoin a passage on the same subject from that other eminent Jesuit teacher, Father Moullet: 'Whoever, in extreme necessity, takes another person's property for the needful sustenance of his own life or that of his belongings, does not commit theft. For in that condition, *all things become common*, especially as *to enjoyment*.' †

Those familiar with the 'Provincial Letters' will remember the story of Jean d'Albe, serving-man in the Jesuit College, who, having robbed his masters, pleaded that he had only acted on the doctrine he had heard them broach, as, under the conviction that he had been made to work in excess of what he was paid for, he had simply helped himself to what he was persuaded to be his due. This story, which reads like a squib of Pascal's invention, would be strictly in harmony with Gury's doctrine. 'Can servants,' is his query, 'who are of opinion that their wages are inferior to the work done by them, make use of *clandestine* compensation?'—*occulta compensatio*, which is defined as consist-

* Gury, vol. i. p. 375. † Moullet. Comp. pars 1, p. 274.

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ing 'in the recovery of what is due by invasion of another person's property.'* The Father replies that speaking generally, such a proceeding cannot be approved; but, he adds quickly, 'I say, *speaking generally*, for there are not a few exceptions,' which he enumerates; amongst these being the case of servants who have contracted for inadequate wages, under physical constraint or moral fear or the strain of necessity, or who are conscious of being overweighted with labour; all such being declared entitled to help themselves to what they deem their rightful due, for, says the Divine law, 'the labourer is worthy of his hire.'

With perfect consistency, the lawfulness of this operation is extended to all cases in which any wrong charge has been made. Should a judge, by error of judgment, sentence a man to payment of moneys never received or already paid, the suffering party would be justified, says Gury, in recouping himself by an exercise of *clandestine compensation*, though we are puzzled to understand against whom in particular the letter of licence is to hold good, if no moneys had been received.† Is there to be a right of general raid on society? It is, however, right to note how our Jesuit is at pains to impress that appropriations of other people's property are not tolerated to an indefinite extent. Father Gury admits the difficulty in fixing a figure, which could be a hard-and-fast point to mark off in all cases grave from trivial thefts, but he gives the best sliding-scale he has been able to calculate, according to the rank in fortune of the parties mulcted, for distinguishing between the two degrees of offence, and the figures range from one to twelve francs.‡ In connection with this tabular estimate, there arises, however, a very nice question: how far can a person consummating thefts, that amount in the aggregate to what is 'grave,' still permanently enjoy the privileges of merely 'venial' offence, by guardedly apportioning the heavy total into successive pilferings, each kept within the limit of triviality? If practised on the same party, Father Gury is clear that these acts must roll up into 'gravity;' and he is disposed to think this might also happen though several persons were victimised, unless an adequate interval be allowed to elapse between each act of pilfering. What period must elapse for a protection against this inconvenient aggregation of peccadilloes, has been matter of not little controversy, but Gury considers *two* months amply sufficient, 'even though the matter might verge on something grave.'§

The Father's thoughtfulness in devising exculpatory pleas

* 'Recuperatio debiti per rei alienæ invasionem.' Gury, vol. i. p. 376.
† See Gury, vol. i. p. 378. Quæst. 4. This opinion is given as *general*.
‡ Gury, vol. i. p. 369. 'De Naturâ Furti.' § Gury, vol. i. p. 371.

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for thieves extends even to unnatural complications. He discusses the case of a son who has robbed his father of eight francs at one time, and then of ten francs on successive occasions, pronouncing him not guilty of a grave offence, because as regards the first theft, 'according to general opinion, a grave matter for the son of a well-to-do family should amount to at least ten francs'; and as regards the second, 'because if about ten francs are needed, though the money be taken at one time, the value of fifteen francs will be necessary in thefts that are in driblets.' Gury also puts the case of a woman, with a son by her first marriage, for whose benefit she robs the second husband (on whom this son can have no claim), and this proceeding Gury is prepared to justify, if only the wife be moderate in her abstractions, and will profess an inward disposition at some future time to make them good. It follows * that 'he who has caused grave injury through various deliberately perpetrated venial offences,' is held free from all obligation to make good that injury 'in the total,' if he has been only shrewd enough to scatter the injury over various victims; or, in the case of its perpetration on one, if he has been careful to leave the proper interval between the stages of the operation,† while an incendiary who has burned down a stranger's house, in the mistaken belief that it belonged to one he hated, is free from obligation of compensation 'because such action was unintentional towards the sufferer.'‡ Can it then create surprise to hear it emphatically affirmed, that everyone is justified in helping himself to what he considers his rights, rather than have recourse to legal procedure, whenever this might be attended with difficulties, or the prospect of scandal, or even merely heavy cost?§ Such maxims must gravely modify the best established rules of life. An insolvent, who secretes any portion of his assets, is, by civil law, guilty of fraud. Father Gury holds it distinctly lawful for an insolvent to guard himself from 'great poverty'—manifestly something short of '*extreme* necessity'—by clandestine abstraction of such an amount of property as he may deem needful for his maintenance, the fact of such 'great poverty' being, as usual, determined by the insolvent himself.‖ The same process of abstraction is held justifiable in the case of one satisfied

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* See Gury, 'Casus Conscientiæ,' 'De Furtis Filiorum et De Furtis Uxorum' (the particular case is headed '*Uxor Provida*'), pp. 172–3.

† Gury, vol. i. p. 402. ‡ Gury, Idem.

§ Gury, vol. i. p. 378. 'An graviter, et contra justitiam peccet qui se compensat, quin prius ad judicem recurrere possit? Nullo modo peccat, si valde difficilis sit recursus ad judicem, ob scandali periculum, sumptus extraordinarios, etc.; quia tunc recursus est moraliter impossibilis.'

‖ Gury, vol. i. p. 471. 'De Obligatione Contractûs.'

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in his own mind of a legacy having been mentally intended for him, but which has not been bequeathed in a due legal conveyance.

Informal deathbed gifts—*donatio manualis ab ægroto facta*—are also declared strictly valid, as are likewise 'testamentary deeds in favour of pious bequests, though defective in legal form,' while absolute power is allowed to the Pope to alter at discretion the special application of such last wishes.* Indeed it would appear that every priest is empowered to divert at discretion the application of a pious legacy. Gury puts the case of an individual who bequeathed a sum for endowing with a wedding portion some orphan girl to be designated by the parish priest. The latter sees fit to select a girl who is not an orphan, no ground except his pleasure being assigned for this manifest departure from an explicit condition, and yet the priest is summarily declared liable to no blame. Elsewhere Gury, in concurrence with St. Liguori, pronounces 'a donation affirmed by oath, but not executed, to have no binding force.'† It will be observed here that the repudiation is general, so that it would appear to be inculcated that, whereas a sacred obligation of fulfilment does attach to any verbal instruction, however informal, perhaps whispered unintelligibly into the single ear of an interested party by a dying person only half conscious, whenever a so-called pious foundation is the object to be benefited, yet no obligation is held to attach to the fulfilment of informal donations for other objects, even though the intention to make them had been affirmed by a solemn oath.‡ Many unfounded stories have been afloat as to priestly pressure exercised on dying persons to extract bequests in favour of the Church. Nothing can be better calculated to confirm popular prejudice on this head than to find such propositions sustained as sacrosanct maxims by the most accredited organs of Church doctrine. In France a system of clandestine trusts and fictitious bequeathals has notoriously contrived to counteract the action of the law for preventing the growth of corporate properties. This practice is explicitly sanctioned by Gury, without the least attempt at reserve, in the following proposition: 'Are

* See for all this, Gury, vol. i. pp. 486. 494, and 496. The reason alleged in the first line as decisive of the validity of informal pious bequests is that, being a matter touching the Church, it is wholly beyond the pale of the civil power: 'Piæ causæ ad Ecclesiam pertinent, ejusque subjacent jurisdictioni, porro Ecclesia *libera et immunis est a potestate civili in omnibus quæ jurisdictioni suæ directe subsunt*,' p. 485.

† Gury, vol. i. p. 483.

‡ 'An valeant in foro conscientiæ testamenta *ad causas profanas* formis legalibus destituta? . . . 2da Sententia docet ex lege positivâ prorsus irritari.'—Gury, vol. i. p. 485.

clandestine

clandestine trusts for pious causes valid, *in foro conscientiæ*, when made in the guise of *simulated donation* or of *fictitious testament*, or of legacy to some individual?'* Can there be a more open approval of a contrivance deliberately devised for driving a hole through a statute?

Beyond doubt the teachings of Gury's school furnish ready justification for transactions which, by the light of ordinary insight, would be instinctively pronounced immoral. As an instance, let the following conclusion serve: 'If you threaten an individual caught in the act of theft, that you will hand him over to the injured owner or the jailor or the judge, unless he promises you a particular sum, *the promise holds good, and you are not bound to return the received sum*, unless, perchance, in the opinion of a man of judgment (*viri prudentis*) it should seem excessive. This holds true, even though *you never meant to hand over* but merely to *frighten the individual, because you would be waiving spontaneously the power to do something which can be taxed in money value.*'† Here we have an approval, in one breath, of hush-money and of its extortion under false pretences. Bribery is near akin to extortion, and Father Gury quite naively admits himself at a loss to know why so natural a proceeding should be stigmatised. 'Can a price be lawfully accepted for a matter of duty, not indeed on the score of justice, but of some other virtue; for instance, if you were to take money for observing your fast in Lent?' and the conclusion is, that the money can be rightfully taken, 'it being considered as a strictly gratuitous gift, bestowed out of sheer generosity.'‡ Accordingly, it is quite lawful to accept money for the performance of a prescribed duty, only the person receiving such reward must plead that the prospect thereof was not his direct motive for acting up to his duty. It would be unfair, however, to conceal that the lawfulness of such acceptances is nicely limited to cases in which the service rewarded is of a kind 'that can be priced in money.' For instance, any one would be bound to make restitution 'who exacted money for showing the road to a passer-by, *if this could be done without trouble or loss of time*, as he would be bound to this act of love, and such action could not be taxed.' It is well to note the qualification smuggled in by the words put by us in italics, for it ensures the plea for payments otherwise disallowed.

We are told also, it is by no means decided that a judge is bound never to accept money gifts from a party to a suit before him. If the gift were proffered with the view of influencing a prospective judgment, contrary to justice, the judge should, indeed,

* Gury, vol. i. p. 498. † Idem, vol. i. p. 468. ‡ Gury, vol. i. p. 454.

sternly refuse acceptance; 'but, the sentence having been already pronounced, it is matter of controversy' whether he may not retain what might then seem a mere offering of gratitude from one benefited by the delivered sentence, *even when this had been contrary to justice.** Decisions of this character subvert fundamental notions as to right and wrong. Let us take the case of a person knowing all about a theft, and accepting hush-money from the guilty party. According to received ideas, the compact would be criminal. Father Gury, however, decides that, provided the person bribed be not *ex officio* bound to give information, the bargain would be quite lawful, 'as without injustice he might keep silence about the thief, in deference to his entreaties . . . therefore, *e pari*, without injustice, silence might be observed in deference to gifts given or promised.'† The problems raised by such maxims strike at the whole order of our ideas. Some are of a nature that will not bear discussion here, and we can but glance at one important subject in a note.‡

Two grounds are distinctly recognised as valid pleas of excuse from restitution, 'Physical disability . . . and *Moral inability*, or serious difficulty in making restitution; that is, if restitution be inseparable from grave inconvenience to the debtor, for instance, that through making restitution he should be notably reduced in his fairly acquired station or fall into serious need . . . for then there is a real impossibility to make restitution, *inasmuch as in morals that is termed impossible*, which is *very hard*, and which cannot be done properly and *becomingly*. Thus *if a nobleman cannot make restitution, without depriving himself of servants, horses, arms*, or a *leading citizen without embracing a mechanical art to which he is unused*, or *an artisan without selling the tools he lives by or encountering severe loss, then restitution may be postponed and obligations discharged by degrees.*' §

* Idem, vol. ii. p. 8. De Obligationibus Judicum. † Gury, vol. i. p. 418.

‡ A 'contractus turpis' being an immoral bargain (as for murder or prostitution), Gury is distinct that viewed prospectively it never can be justified. It is by its essence null, and any benefit received in consideration of future execution must be returned. But how about a benefit received after execution? Will it be impossible to retain it? Here comes in the side plea already dwelt upon. Besides the capital subject matter, other matters may be collaterally involved in the execution of the bargain, as labour, risk, &c., which being in themselves legitimate, are assessable in money, so that after execution a gratuity can be accepted if taken as in remuneration of these secondary elements. A woman may not take money for her honour, but for risk or personal inconvenience, or loss of position, 'An semper restituenda sit res ex turpi contractu accepta? Ante positionem operis turpis, affirm. Post operis positionem acriter controv. . . . Quia licet actio turpis, quasi illicita, nullo pretio digna sit, *pretium tamen quatenus laboriosa, ignominiosa, periculosa agenti, vel utilis alteri, meretur.*'—Gury, vol. i. pp. 455–6.

§ Idem, vol. i. p. 431. De Causis a Restitutione Excusantibus.

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It is unnecessary to dwell on the undisguised laxness of a definition, which makes moral inability synonymous with a sensation of inconvenience, and excuses a man of rank and wealth from the discharge of admitted obligations every time he can allege that such discharge might cramp his means for providing an ample supply of 'servants and horses.'

The administration of justice demands integrity, not merely in judges, but also in witnesses. Let us see how our Jesuit Divines fashion their teaching on this head. The first point laid down is, that no obligation to make reparation can attach to any one who has given false witness from invincible ignorance, inadvertence, or delusion, a proposition which, though not wholly free from objections, we will not canvass. But Father Gury proceeds to consider the case of one who, with the view of supplying deeds that have been lost, and of promoting the success of indisputable right, (the indisputableness of such right being left to the subjective test of individual appreciation), either reproduces, that is, forges, or tampers with a writing, a chirograph, or a deed of acknowledgement; and he concludes that, though a person acting thus 'would, indeed, sin venially on the score of a lie, the document produced not being the authentic one, on the strength of which judgment should rest; and though he might possibly incur a grave sin against charity toward himself by exposing his person to imminent peril of very severe penalties in the likely event of detection; nevertheless, he would be wholly free from all sin against mutual justice, and would consequently stand absolved from all obligations to make restitution.'*

An illustration, suggested by a memorable case not likely to fade from the memory of the living generation, will bring out better than much argument the consequences which might follow, if this ruling were to hold good. Amongst the numerous witnesses who spoke confidently to the identification of the Claimant as Roger Tichborne, it is undeniable that many spoke in unimpeachable good faith. It is well known that in the tangled web of the evidence in this suit a sealed document, which had been deposited by the genuine Tichborne with a particular person, constituted a capital incident. Let us now assume that in the belief of Roger's death the paper had been destroyed, but that the depositary was amongst those who had persuaded themselves as to the Claimant being the true man. In this state of mind he blames himself as having imperilled, by premature destruction of the document, a claim the justice of which has become to him a matter of firm belief. That he is a witness testifying under invincible ignorance is

* Gury, vol. ii. p. 21. De Obligationibus Testium.

beyond dispute, for his faith in the Claimant is the result of thorough delusion. What would be more natural than that, with so earnest a conviction as to the justice of the cause advocated, he should be overcome with remorse at the injury he believes himself to have wrought, and a burning desire to do whatever may be in his power to make it good? And now let us further assume that this depositary had sat at the feet of Father Gury, that he had penetrated himself with his teaching, and that at this conjuncture of severe mental trouble there flashed back on him the recollection of this particular ruling. He then exclaims to himself, Here is a man striving to assert 'undoubted right,' in the chain of whose evidence one link is alone wanting, and that link is wanting solely in consequence of my own unwarrantable hastiness; I know the goodness of the case; I am deeply sensible of my obligation to promote 'undoubted right'; and most happily my memory recals the exact tenour of the rashly destroyed document; for I have it under the hand of that superlative master in morals, Father Gury, that in such circumstances, to reproduce a document, and palm off a supposititious copy on the judge, is no sin of gravity, but at most an act of fibbing or of exposing myself lightly to the inconvenient penalties of the law; therefore I will reproduce the document, and thereby do the one thing needful to ensure the triumph of struggling and 'undoubted right.' On what ground, we ask, could any Jesuit divine hold that such an act under these circumstances would not be exempt from all serious blame? Critics of authority have brought charges of apocryphal compositions and tamperings with texts against scholars either themselves Jesuit Fathers or under the influence of Jesuit training, and the evidence, already not slight in support of such charges, cannot but gain in force when we find the most accredited spokesman of the Order propounding maxims that deliberately countenance recourse to fabrication and forgery.* It

* Lest it should be thought we are too hard on Father Gury, we submit another of his rulings. A will written in the testator's own hand, so that no outside witness to its contents can be forthcoming, has been made in exclusive favour of Adrian, who is aware of the fact. Immediately after the testator's death there occurred this mishap. As the joyous heir was feasting his eyes on the document ensuring his possession of fortune over the heads of the natural heirs, an untoward gust of wind swept it into the fire, and the precious deed was burnt. 'Adrian was on the point of going into sheer despair, when a wonderful idea struck his mind. Lo and behold, he imitates perfectly the writing and signature of the testator, and thus puts things back exactly as they were.' The question is whether Adrian did wrong, and how far he might be bound in justice to make any reparation to the natural heirs who would have come into possession but for his having palmed off his own handiwork as the testator's deed. Gury holds Adrian guilty of nothing more serious than a lie, and even this is not so positive, but that it has been gravely disputed. The same uncertainty, in the opinion of divines, attaches

It is not possible in a review of Jesuit doctrine to avoid touching on the delicate chapter of its maxims in reference to relations between the sexes. The specimens of distorted speculation already given will afford an idea of how unfit for reproduction in this periodical must be the problems which the imagination of these doctors conjures up in regard to this slippery topic. A few examples, carefully picked, we must however give. In the matter of plighted troth we learn from Gury, 'that he who has sworn it to a girl rich and healthy . . . is not bound by his oath should she happen to have become poor or fallen into bad health.'* Again we are informed that a probable opinion, countenanced by St. Liguori, would allow an engagement to be broken off if a 'fat inheritance'† should accrue, seriously modifying the status as to fortune of either party, and the case is thus illustrated:—'Edmund had betrothed himself to Helen, a girl of the same station and fortune as his own. As he was on the very point of celebrating his wedding, he acquired a fat inheritance from a deceased uncle. Wherefore he repudiates Helen, that he may marry another with a fortune to match. *It seems that Edmund should not be disturbed for this.*'‡ Jilting is no unfrequent practice, but it is striking to find it justified in a Handbook of Morals, whenever 'faith could be kept only by the surrender of a big advantage which would be tantamount to great loss.'

Will it surprise the reader, that a string of rulings can be adduced in support of the opinion, that seduction under express promise of marriage need not involve a moral obligation to observe this promise? Father Gury puts the problem plainly: 'Is the ravisher bound to wed the girl he has ravished under promise of marriage?' and after stating an opinion affirmative of such obligation, except in 'that practically most frequent case where it might be feared marriage would lead to bad consequences,' he developes another opinion 'having the intrinsic signs of adequate probability' in denial of any such absolute obligation.§ Father Moullet is no less explicit on this head. 'Whoever has seduced a maiden or a widow, under promise of marriage, ought to wed her, *speaking per se*, whether the promise was made in

attaches as to whether Adrian may have done what amounts 'to a mortal offence against *legal* justice' by fraudulently reproducing a document. But whatever may be the difference of opinion on these heads as to any supposed moral duty of making some restitution to the natural heirs who by his successful trick are left without anything, Gury is clear and distinct that it cannot exist, for by the original will Adrian had acquired 'a certain strict right.'—See Gury, 'Casus Conscientiæ,' Testamentum casu destructum et arte redivivum, p. 260.

* Gury, vol. i. p. 204.

† Gury, vol. ii. p. 412. Si sponso adveniet pinguis hereditas.

‡ 'Casus Conscientiæ,' p. 595. § Gury, vol. i. p. 438.

earnest

earnest or was feigned.' But, he adds, '. . . I say, *speaking per se*, for the seducer is not bound to marry . . . when the girl might easily have perceived that there must be deception, as for instance, from great disparity of condition; *in such case she has to impute the deception to her own self.*'*

Next to seduction under assurances, followed by desertion, the exposure of offspring would probably be pronounced by the majority of unsophisticated persons as the most heinous offence that could well be committed; yet from the language of our divine we must conclude that he at all events does not consider the proceeding as one very difficult of palliation, or which should be stigmatized as an offence of the first magnitude. Without expending one word of reflection on the character of the transaction itself, Father Gury enquires whether it might not be incumbent on wealthy persons, who drop at Foundling Institutions their children, be they simply illegitimate or born of an adulterous connection, to make some payment, rather than abandon them to public charity. The point is declared to be full of perplexity. One opinion very commonly accepted is in the affirmative; but the contrary is maintained in an opinion countenanced by St. Liguori, and given in detail by Gury, on the ground that as these institutions are intended for the indiscriminate reception of the illegitimate progeny of all classes, in protection against infanticide, payment would be contrary to the principle of public charity on which they are founded. Nevertheless, our Father believes that, on the whole, rich parents might be encouraged to make some donations; but, in his tender care lest they should be over mulcted, he calculates that a payment of 150 to 200 francs is ample for the fulfilment of all moral obligations on the part of profligates, however opulent, who might think it convenient to get out of sight their illegitimate offspring by clandestinely depositing them in a Foundling Home.†

The last point we would notice, in this division of our inquiry, is the fact that belief is inculcated by our divines in the grossest superstitions that can affect the mind of man —in Witchcraft and the Black Art. 'Magic is of two kinds,' says Moullet,‡ 'natural and *superstitious* (*superstitiosa*, the technical term for the black art), which is the art of doing

* Moullet, 'Comp. Mor. Theol.,' par. i. p. 342.

† For this see Gury, vol. i. p. 441. He did not originate these views. Layman has the following: 'Fas est filios illegitimo natos interdum exponere, si ita necesse sit ad gravem infamiam vitandam, adhibitâ tamen cautione, ne frigore moriantur et ut prius baptizentur, appositâ scedulâ, *nec cum periculo infamiæ tenetur parens filium sic expositum sustentare.*' 'Theol. Mor. Comp.,' Mogunt. 1637.

‡ Moullet, pars prima, p. 198.

wonders

wonders by help of the devil . . . involving express or tacit invocations.' Gury's words are, 'Magic is the art of doing wonders which . . . can be done only through the devil invoked explicitly or implicitly.' And, again: 'Witchcraft is the art of working harm through intervention of the devil; it is of two kinds, *amatory* and poisoning; amatory witchcraft, otherwise a philter, is a devilish art, whereby lustful passion or aversion is inspired towards a person.'* According to grave Jesuit authorities, it is within the faculty of the devil, working through these arts, to assume the phantom appearance of humanity in lovely shape; so that an irresistible passion for the Evil Fiend himself, lurking mockingly behind the phantasmagoric mask of a beautiful being, is held up before the imagination of those who are disciples of this teaching as amongst the horrible consequences that may befal them from these devilish drugs. As for the second kind of witchcraft, this is what Gury says in definition of it,—'Poisoning witchcraft is precisely the art of doing injury to your neighbour in various modes through help of the devil, or by disease, the causing idiocy, &c. Commonly witchcraft is called *sortilege*, because by it an evil lot is thrown on those against whom vindictiveness is exercised, through the operation of the devil.' Such is the teaching which, at the present period of the nineteenth century, with the express approval of those who from Rome govern the Latin Church, is being studiously infiltered into the minds of that preponderating majority of the Roman Catholic youth who are being trained under the influence of Jesuit tuition.

We must now touch shortly two or three points of primary importance in connection with the questions which we have marked off as constituting a second category, and which group themselves around the central problem—where the line between civil and ecclesiastical jurisdictions is to be fixed. Here we must call in assistance additional to that of our previous guides. What we require is some organ as well attested in regard to genuineness of inspiration as Gury, and directly discussing the practical problems involved in the demarcation between Church and State rights. We shall be safe against the charge of having picked out an inadequately authenticated guide, if we turn for instruction as to what is taught by sound Jesuit doctrine on these topics to the pages of the 'Civiltà Cattolica,' stamped as it is with the highest voucher for its orthodoxy by a Pontifical Brief *ad hoc*. That Brief is a document of exceptional, we believe of unique character. In it Pius IX., speaking in his

* Gury, vol. i. pp. 172-3. De Magia et Maleficio.

Pontifical

Pontifical capacity, adopts the typical phrase which the Society puts forward as its specific motto. Again, the document is not merely a testimonial, but an Apostolical Charter conferring privileges on a body of writers exclusively confined to the Society of Jesus, for the grant whereof there exists no precedent. 'In order that there may be at all times appointed men,' it is said in this remarkable Brief '. . . capable of fighting the good fight, and continually defending by their writings the Catholic cause and sound doctrine . . . we here desire that the Religious of the illustrious Society of Jesus should constitute a College of Writers, composed of members of the Society, who by seasonable and apt writings . . . should prove *champions of the Catholic faith, its doctrine, and its right*, with all their powers. The said Religious, most zealously seconding our desires with every possible care and study, already in 1850 undertook to write and publish a periodical entitled "La Civiltà Cattolica." Following in the footsteps of their predecessors, and sparing neither care nor labour, these men had nothing more at heart than, through this diligently and wisely edited periodical, in writings learned and profound, to shield and defend manfully the truth of our august faith, the supreme dignity, authority, power, and right of this Apostolical See, *and to teach and propagate the doctrine that is true* . . . Wherefore it is our most earnest desire that so sublime a work should for ever prove stable and flourish, *Ad Majorem Dei Gloriam*, the salvation of souls, and the daily greater promotion of the right method of studies. Accordingly by these letters in virtue of Apostolical authority *we erect in perpetuity this College of Writers of the Society of Jesus* of the periodical popularly termed the "Civiltà Cattolica," *to exist in a house set apart for themselves*, and constitute it according to the laws and privileges possessed and enjoyed by other Colleges of the said Society, *under the express condition, that this College shall in all things depend absolutely on the General.*' *

Three facts are noticeable in this document:—1. Throughout it, the cause of the Church as a teaching body is identified by its acknowledged Head with that of the 'Civiltà Cattolica.' 2. The Supreme Pontiff, exercising his ecclesiastical prerogative in the most solemn form, calls into existence as a champion of 'true doctrine' a special corporation, which by Apostolical Charter must be restricted to members of the Society of Jesus. 3. That corporation is constituted not for a term but in perpetuity; and is therefore proclaimed to be an organic institu-

* The Brief, dated February 12, 1866, will be found in the 'Civiltà Cattolica' of April 17 of that year.

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tion of the Church. In presence of so superlative a warrant, we should be justified in quoting indiscriminately from the 'Civiltà Cattolica.' We confine ourselves, however, to the writings of one contributor, Father Liberatore, for two reasons; because he is avowedly held in the highest estimation at Rome, and because we have a reprint of the author's contributions, which combines the triple advantage of matured revision—of issue subsequent to the Vatican Council,—and of renewed high ecclesiastical approval affixed to this reissue.

At first sight, no maxims could seem more conformable to the personal interests of those clothed with temporal sovereignty, as regards the obligation of subjects to yield absolute obedience under all circumstances, than those propounded by our Divines. 'At no time can it be lawful to rebel,' says Gury, and he stigmatises, in the words of St. Liguori, as most pernicious, Gerson's opinion 'that a monarch might lawfully be judged by the whole nation, in the event of his ruling in violation of justice.'* On scanning closely, however, the propositions in Gury bearing on the relations between princes and subjects, we cannot dismiss the impression, that the terms in which they are stated do not exclude the possibility of extracting a plausible justification, not merely for occasional insurrection but even, under specific conditions, for making attempts on the lives of those in possession of sovereign power, under no better warrant than the intimated assent of whoever may be considered as the legitimate claimant. Once more we impress on the reader that, in deducing inferences from propositions in Jesuit writers, we advisedly proceed upon the principle, that the terms, to be appreciated at their value, must be tested by every sense they can be made to bear without a glaringly forced strain. For, according to Jesuit doctrine, any opinion, that can be brought into apparent conformity with terms employed by any single writer of authority, may be safely accepted and acted upon by an individual, even in opposition to the mind of his spiritual adviser. Therefore, when engaged in fathoming the scope of a proposition, we are bound always to note carefully every construction of which the terms employed might be physically capable—a point ever present also to the minds of a school of doctors, than whom there have been no more consummate masters in the art of weighing expressions.

Accordingly, in scrutinizing these particular propositions, there appears to us to run through all the terms employed a latitude, difficult to consider accidental, which affords ground

* Gury, vol. i. p. 248.

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for such a mental distinction between those in merely physical possession and those with legitimate ownership of a throne, and of all that is assumed to appertain thereto in the nature of rights, as might furnish to any one in search thereof the justification for assuming, at a merely verbal intimation from him who is considered legitimate, a mission to slay him who is considered an intruder. 'Is it lawful to slay a tyrant?' asks Gury; and no answer apparently could be more distinct, 'certainly it is lawful to kill neither a tyrannical governor (*tyrannum regiminis*) . . . nor a legitimate prince tyrannically governing and oppressing a people. No more is it lawful to kill a tyrannical usurper, when once in possession . . . nor a tyrant not yet in *complete possession, otherwise than with the sanction of the legitimate prince.*'* The point to note is the proviso for drawing a distinction between what is due to the actual ruler and to him who is considered the legitimate prince, though no definition is given as to a test for establishing legitimacy. The mere assent of the latter—independent of any judicial sentence—is declared sufficient to justify an attempt on the intruder's life, the apparent qualification as to his not having attained complete possession being reduced to something merely nominal, inasmuch as there is nothing in the terms of the proposition which makes it indispensable to bring in evidence of incomplete possession, more than that half-a-dozen of individuals were still mentally withholding allegiance.

The positive distinction drawn between the degrees of right vested in sovereigns *de facto* and sovereigns *de jure* becomes enhanced and emphasized when the relative attributes of the Sovereign Pontiff and of all princes, however thoroughly *de jure*, are discussed. We venture to maintain that the language of the leading Jesuit Divines, on this particular matter, is such as not merely to leave an opening for, but to constrain the construction, that they claim for the Supreme Pontiff all the same superior prerogatives over princes, though perfectly *de jure*, which they consider these to possess over rulers *de facto*. Therefore we are compelled to conclude that, in so far as the terminology and reasoning of these Jesuit Doctors can be taken as the authentic expression of doctrine accepted by the Church, an order from Rome to slay a ruler would, under particular circumstances, be one that a faithful member of the Church could execute with a clear conscience. It would be simply monstrous to insinuate the probability of any order of this nature emanating from Pius IX. Whatever may be

* Gury, vol. i. p. 252.

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the untoward acts to which passion may impel those who direct, or will direct, the Church of Rome, of this we may be confident, that the present conscience of the age is too keen to let a Pope, like his sainted predecessor Pius V., send an assassin on a mission for slaying a contumacious prince. But, notwithstanding a confident assurance of this kind, the employment, by leading modern Jesuit Doctors, of language which by fair construction does express an assertion in principle of acts of this nature, is a circumstance as noteworthy as it is characteristic of the present spirit of their doctrine. Passing on, however, from what we are readily disposed to consider a dead letter and mere anachronism, we come to matter of far more practical importance,—the distinct claim set up, in behalf of the Church, to such direct supremacy in matters appertaining to civil existence as would constitute, if carried into execution, a most material encroachment on what in every modern polity has become the recognised domain of the State.

'The State,' declares Father Liberatore, 'must understand itself to be a subordinate sovereignty, exercising ministerial functions under a superior sovereignty, and governing the people conformably to the will of that lord, to whom it is subject.'* Who that lord may be we are left in no doubt. It is that Sovereign Pontiff, 'the visible monarch' of 'God's realm on earth,' to whom 'every baptized person is more strictly subject than to any temporal ruler whatever.'† Still a division is recognised in the immeasurable labour that would be heaped on the shoulders of the Pontiff if he were himself to administer directly this universal empire; and the definition of such division gives us a statement in clear terms of what functional attributes it is conceded shall fall within the jurisdiction of the State. Its independence of action, we are told, is to be absolutely restricted to 'matters directly relating to the mere physical well-being of material life (finance, the army, trade, domestic peace, and relations with other nations), but in no wise can it be that in matters directly concerning *charity*, *justice*, morals, the State should be otherwise than bound to conform to the rules dictated by the Church, while even in the matters before mentioned as being within its competency, the State would be under the negative obligation to do nothing hurtful to the morals of its subjects or the obedience due to God. For where the *contrary has happened*, *the Church has clearly the right to remedy and cancel* whatever may have been appointed wrongly and immorally *in the temporal order of things*.'‡ 'Therefore the civil ruler of a Chris-

* P. 11. † P. 39. ‡ P. 14.

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tian people must be in subordination to the Christian priesthood, *and especially to the Roman Pontiff.*'* And, again, 'The temporal sword, symbol of civil authority, has to be subordinate to the spiritual sword, symbol of priestly authority;' † all which, we are told a few lines further on, 'is a *peremptory sentence to be called in question by no one who would be a true Catholic.*'

Having been made acquainted with these indelible principles, on which no compromise can be tolerated, that are to fix the line between the provinces of ecclesiastical and temporal powers, we are treated to the following theorems in completer definition of the respective natures of these two entities. We have it stated as of positive certainty 'that, through institution of the Church, society has been subjected *by divine law to the rule of a new supreme power, sacerdotal authority*, which *is utterly independent of State authority*,' and that, 'by the advent of Christianity, State authority has been confined within narrower bounds,' ‡ a thesis which will be self-evident only to minds not startled at hearing it also affirmed that our Saviour on no occasion manifested indifference to a temporal estate, and 'that, in very truth, his kingdom is here below, and will abide unto the fulfilment of time.' § Novel dogmatic versions of Christian facts, which, after having been uttered with the oracular curtness of an infallible illumination, are then presented by Father Liberatore as indefeasible title deeds for the perennial maintenance of the Pope's temporal sovereignty as absolutely essential to the observance of what constitutes the spirit of Christ's doctrine! If any doubt be yet entertained whether it can really enter into the conception of this accredited organ of the 'true doctrine' to claim for the Church the right, whenever this may suit its pleasure, to interfere with, arrest, suspend, and annul the faculties of State authority, even in a matter so wholly outside all conceivable affinity to spiritual agencies as the mode and manner for employment of the armed force, we submit the following passage—not dovetailed by selection, but standing consecutively in the text as it does here—and to which can never be denied the merit of clear language:—

'The Church is empowered to *amend and to cancel the civil laws, or the sentences proceeding from a secular court*, whenever these may be in collision with spiritual weal, and she has the faculty to check the abuse of the executive and of the armed forces, *or even to prescribe their employment* whenever the requirements for the protection of the Christian Faith may demand this. The jurisdiction of the Church is higher than the civil. Now it is

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* P. 22. † P. 23. ‡ P. 82. § P. 37.

within

within the competency of a superior jurisdiction to control the action of the inferior, but in no manner can the inferior do this to the superior. In this matter of jurisdiction, what has to be done is to observe the *rule prescribed by Pope Boniface VIII. in his dogmatic Bull Unam Sanctam Ecclesiam.*' *

It is well known how much has been spoken and written, both before and since the decree of the Vatican Council declaratory of Papal Infallibility as a dogma, to define what really does lie within the range of this Infallible attribute. This is not the place to consider the various tests which different authorities have alleged to be alone conclusive for marking off fallible from infallible utterances, as they may drop from Papal lips. Thus much alone has been laid down with certainty ; that whenever a Pope does speak *ex cathedrâ* he is infallible, and that whatever is thus spoken is dogmatic, and consequently partakes of the sacredness of an article of faith. What then deserves to be carefully noted is how it is here unequivocally affirmed by the organ of 'true doctrine,' that the Bull *Unam Sanctam*, admittedly the extremest expression, that ever fell from any Pope's lips, of Papal pretensions to direct and wholesale supremacy in temporal matters, is comprised amongst the Pontifical utterances of which the dogmatic sacrosanctness is open to no doubt. For it should be stated that this attribution of high character does not rest on what, if standing by itself, might be deemed an inadvertent expression. It is spoken to more than once, and the allegation is substantiated by a very precise enunciation of the grounds which, according to the writer, are conclusive as to the dogmatic character of this Bull. 'Some liberal periodicals and writers will be shocked at hearing this Bull termed dogmatic.' But that it is so is manifest, whether one regards the matter of its contents or the authority whence it emanates. In it the Pontiff addresses himself to the whole Church, and speaks in the capacity of a teacher giving instruction about most important doctrinal points, such as are of a certainty the relations between the Church and the State. Besides, the Bull ends with an explicit definition: 'Subesse Romano Pontifici, omni humanæ creaturæ, declaramus, dicimus, definimus, et pronunciamus, omnino esse de necessitate salutis.' †

Whether the declaratory allegations here made with such remarkable assurance will be implicitly acquiesced in by all who may claim to be every whit as sound Roman Catholics as Liberatore, we cannot stop to inquire. Our particular purpose is to seek from perfectly trustworthy sources authentic evidence as to the teaching propounded by the most authoritative modern school

* P. 46. † P. 23.

of

of Catholic divinity; and evidence of this kind on a pre-eminently important point—the amount and extent of Pontifical utterances from previous ages, which will be retrospectively covered through the Dogma of Infallibility with a sanction raising them to the position of Articles of Faith—we here obtain from a writer who comes before us with a well-nigh bewildering accumulation of vouchers for his plenary inspiration in what he says on this head. For here is the formidable chain of guarantees that Father Liberatore can point to for the perfect soundness of his exposition; first, he is a Jesuit divine held in acknowledged estimation as a mouth-piece of doctrine by the heads of the Order; then he is one of that picked number drafted from the body of the Order, and erected by Pius IX. into a special brotherhood, entrusted with the delicate task of making the world to know what is true doctrine; thirdly, he comes before us with a revision of his original composition, combining the benefit of matured afterthought and the corrections derivable from the protracted reflections of his superiors; fourthly (and in reference to the passage immediately before us this fact is of capital weight) the revision has been issued subsequently to the dogmatization of Infallibility and the serious controversy awakened thereby; and fifthly, to remove every shadow of doubt as to the complete concurrence of those who are at present entitled to speak in the name of the Church in the views expressed in this publication, there has been affixed thereto the (as far as the law of the land is concerned) perfectly superfluous stamp of episcopal approbation. In presence of this converging array of endorsements the fact must be deemed proven that, in the minds of the Society of Jesus and of Pius IX., the Bull *Unam Sanctam* is held to be an article of dogmatic utterance binding on the conscience of all who would be Catholics.*

* In 1826, one who then was looked upon as an ecclesiastical authority of high degree, Bishop Doyle, in his public appeal to Lord Liverpool on behalf of the claims for Catholics to Emancipation wrote thus of this same Bull: 'If the Bull *Unam Sanctam* . . . be objected to us, is it not reasonable to attend to us, whilst we say, that no Bull of any Pope can decide our judgment if it be not received and *assented to by the pastors of the Church, an assent which this Bull Unam Sanctam never has had?* . . . The Bull was of a most odious kind, and should, therefore, according to a maxim admitted by all jurists, *odiosa sunt restringenda*, be restricted as much as possible to its sense.' 'Essay on Catholic Claims,' p. 37. On January 25, in that same year, all the Irish bishops signed also, it is true, a declaration: 'That it is not an article of the Catholic Faith, neither are Catholics required to believe that the Pope is infallible;' amongst the names subscribed being that of Dr. M'Hale, the living Archbishop of Tuam. Neither Bishop Doyle's emphatic statement nor this solemn Declaration was ever disapproved of by the Holy See. What then can be the permanent value attaching to any exposition minimising the bearing and possible effect on civil jurisdiction of the dogma of Infallibility, from however exalted a Prelate it may emanate, and however much it may appear to be acquiesced in at the present moment by the Holy See?

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The function of the State, measured by these definitions, would therefore amount merely to that of an organised police, instituted for the enforcement of the Church's behests and the vigilant repression of dissent. This interpretation is in strict accordance with the saying, that the duty of the State is centred in 'protection of the Church,'* and that (these words being adopted from the reputed Ultramontane Legist Phillips) 'the primary condition of an efficacious alliance between the laws of the State and the laws of the Church lies in the *application of coercive means*, in every instance where spiritual penalty may be inadequate.'† This obligation to coerce—in other words to persecute—all who may differ, though ever so slightly, from any opinion propounded by the authorities of the Church for the time being, is insisted upon by Father Liberatore with reiterated emphasis, as a duty deriving its sacredness directly from Christ's injunction. 'The capital and substantial ground, wherefore liberty of conscience must be reprobated, is neither peace nor national unity, but in truth the obligation to profess the true faith, and thereby ensure the attainment of man's superior good. Peace and national unity may be invoked as a secondary ground (being likewise a benefit), but only on the supposition that the true faith is preserved. For *in the contrary case the saying of Christ holds good, I came not to send peace but a sword;* national discord being beyond comparison a lesser evil than persistence in some error regarding a point of faith,'—words distinctly enjoining the enforcement of religion at the sword's point. And again: 'Amongst the rights appertaining to a perfect society is that of coercing enemies, internal and external. Where between the State and the Church there is reciprocal alliance, there the right [to coerce enemies] is exercised by the latter through the agency of the former . . . But where this alliance happens to have been broken, manifestly this right of the Church cannot perish, inasmuch as it takes its rise in the essence of social order with which the Church has been invested not by the State but by God.'‡ Accordingly 'the best form of government, *i.e.*, the form best answering to divine conception and the happiness of mankind' is where the State acts as the executioner of the Church's fulminations; though, in presence of the glaring fact that schism has asserted itself in a large portion of the Christian world, and the physical impossibility of enforcing everywhere at once that action of sharp repression conformable to Jesuit notions 'of the form best answering to divine conception,' Father Liberatore admits that 'out of regard to religious divisions

* P. 73. † P. 78. ‡ P. 77.

which

which have already taken root' in some parts, 'prudence may counsel civil toleration of all forms of worship.'* Consequently the acquiescence, which in some countries the Church has apparently yielded to the toleration of other religious persuasions, is no more than a feint, put on under the pressure of emergency, and a stratagem adopted for so long only as it may seem the most appropriate method for warding off additional difficulties.

Here we find ourselves brought face to face with two points of the gravest interest—the view entertained by the Church as to what rights and faculties remain inherent in a State that may have apostatized from its communion, and as to the binding force on itself of any formal instrument it may have concluded with a Civil Power, be it Catholic or not. That the Church is credited with the right to impress into her service all the physical forces under the immediate direction of the State, we have been already told, as also that this right extends to the exercise of vigorous coercion through State agency against Dissenters. That this right, as emanating from a Divine origin, is affirmed not to lapse because a State, as represented by those in possession of governing power, may fall away from the Church, and thus deprive it of the means to set these forces in motion, this likewise we know. What we still have to be enlightened upon, by him who has so far been our ready guide and instructor, is what degree, if any, of legitimacy the Church in its conscience may recognise as still vested in a State which has apostatized, and with which the Church might have contracted public relations of comity. We admit that Father Liberatore glides over the general question with more rapidity than is his usual practice. His opinion on this important head is comprised in a few sentences, introduced in the course of a long dissertation on the duties of the State towards the Church, but, though few, the sentences are pregnant. After having insisted on the absolute obligation incumbent on the State to expend its forces 'in protection and defence of the Church,' he goes on to say that, whenever the State has apostatized, and 'ceased to fulfil this special duty, the same devolves of its own nature on the individual Faithful,' and that 'in this manner there arises in society a necessary disorder, namely, the *existence of a legitimate power, which is independent of the public depositary of force.*'† That it will be within the faculty of casuists to interpret these words differently from their plain sense, is what we are prepared for. The conclusion we have arrived at is that, bearing in mind the whole context of the argu-

* P. 74. † P. 77.

ment,

ment, these words, without any invocation of that merely *probable* interpretation which a Jesuit writer should not consider improper, do plainly express this doctrine—that in countries where the State in its corporate capacity does not make profession of the Catholic Faith, the Church, even though it might have adopted towards the powers that be an attitude of friendly understanding, will still consider the only depositaries of the faculties, which in its opinion appertain to the State, to be the congregation of those who have continued faithful to its communion; just as, according to the same authority, while the throne is occupied by one man, another can be held entitled to issue commands that are binding for the gravest action.

That no unnatural strain has here been put upon the sentiments of our author, is clearly established by his most explicit language as to the possible binding force upon the Church itself of any engagement, however solemn in form, that it may have entered into with any State, even though orthodox. With an elaborateness of diction that closes all question as to his meaning, Father Liberatore affirms that, from the very nature of things, no Concordat can ever bind the Church, that it is a mere concession for the time of rights that are indelible, and which are only waived in deference to expediency, until the strain of exigency may have relaxed. This view was broached some years ago by the Vicomte de Bonald, who declared that 'a Concordat cannot be likened to a contract; for there is a radical impossibility that a contract can intervene between two entities (the spiritual and the temporal Power), whereof the one is sovereign, the other subject, the one presides, the other is subordinate.'* For the publication containing this passage Pius IX. addressed to the author a Brief of approbation. Some Catholics, however, demurred to M. de Bonald's opinion, and a controversy ensued. Amongst those who concurred with him most vigorously were Father (afterwards Cardinal) Tarquini and Liberatore, whose strenuous arguments the reader, if so inclined, may peruse for himself in the volume we have been quoting from. We have space only for these few emphatic sentences:—'It is beyond doubt that Concordats, in whatever concerns matters spiritual and such *as have any connection therewith*, cannot have the character of bilateral contracts. . . . Concordats in this respect have the character of mere indulgences and privileges. . . . Whatever privilege may at any time have been granted, which might in any manner limit or curtail the exercise of Pontifical authority, is a mere indulgence, *revocable*

* 'Deux questions sur le Concordat,' Genève, 1871.

at any moment, when it may be the opinion of the Pope that the continued enjoyment thereof might be prejudicial rather than beneficial to the welfare of the Church. In short, the Pope's authority is unalterable, for it has been fixed by Christ, and by Christ has been maintained in him exclusively, just as the light of the sun in the atmosphere.' Such, according to the doctrine of the choicest divines of the Society, and the declared concurrence of the present occupant of St. Peter's Chair, is the exact value of instruments that have been concluded by the Church with every formality of solemn engagement.

All this may well seem mere dreaming and a building of castles in the moon. If the Jesuits have nothing more effective for checkmating modern society, than rhapsodies about Boniface VIII. and the perfection of a State reproducing thirteenth-century existence, governments might safely afford to disregard them as harmless monomaniacs. These lucubrations do not, however, make up the practical weapons at the disposal of those who strive to ensure the realisation of their aspirations. The means whereby the Jesuits may hope to injure the machinery of modern governments exist in that not easily definable store of subtle functions and sacerdotal ministrations, which, by the essence of the Roman Catholic system, appertain to the order of the priesthood. A State will rest on weak foundations, unless it can confidently repose on a fiscal system carried out with integrity and regularity, and on a defensive system penetrated with a spirit of discipline and staunchness. Let a breach be made on either point, and manifestly the position of the State is exposed to danger. It can be shown that the artillery of Jesuit practice has been brought into positions, whence it may fire against both points at any time that seems propitious.

In Gury's 'Casus Conscientiæ' (p. 40) occurs this passage, taken from St. Liguori. 'Speaking generally of taxes, Lugo is of opinion that people should be exhorted to pay them; but that after the act they should not be compelled to make restitution of a duty they may have withheld fraudulently, if they have any probable ground for persuading themselves that in so great a number of taxes they may have paid something not justly, or that they had contributed adequately to the public wants,'—notions which will readily recommend themselves to not a few tax-payers. On turning to the 'Compendium,' we read that 'as to restitution, there is absolutely no obligation' on those who habitually import 'prohibited wares,' while the question, whether some act of contrition might not be incumbent for the violation of a statute by such a practice, is answered with what, but for the grave character of the book, would sound like

like a joke. 'Those who import prohibited goods in small quantities, and for their own benefit, especially if poor, are certainly not liable to blame. The others [the rich and the systematic smugglers], however, are in danger of sinning against their duty towards themselves, by running a risk of very severe penalties.'* And this view is strictly in accordance with Moullet's. 'What is to be held of those who import contraband goods and arts? . . . It is the *common opinion* even of more *Rigorist Doctors* that they commit no sin and are *bound to make no restitution.*'† To bring out clearly the degree of fraudulent operations which these divines are prepared to countenance, we subjoin two exemplifications from Gury, which are admirably lucid. 'Sapricius is in the habit of conveying and moving by waggon, sumpter animals, or other modes, grain, wine, articles of food and wares, on all of which dues are imposed. But he seeks by every means to evade payment of the same, as often as this can be done without peril of fine, by moving them at night, by taking out-of-the way tracks, by avoiding the revenue officers, or by deceiving them through manifold tricks. He is of opinion that he is not acting wrongly, partly because the taxes are very heavy and numerous, as well as often expended on what is not at all for the common advantage, partly because the law, in virtue whereof they are imposed, is a merely penal enactment. At Easter time, however, when about to perform his obligations of confession, being impelled by scruples, he asks whether he might not have done wrong? Has then Sapricius erred, and is he bound to make any restitution?' Gury replies that, though some theologians have been of an affirmative opinion, others distinctly say the contrary. Of the former he gives neither the names nor one word of their argument; but he quotes in the opposite sense the opinion of Sanchez, as summarised by St. Liguori, and then he solves the problem in these terms: 'Sapricius is not at all to be disturbed.'‡

The second case is couched in terms that have a not inappropriate flavour of rogues' humour. 'Forbinus sells Gibertus some land for 30,000 francs. The two would, however, willingly

* Gury, vol. i. p. 446. 'Cæteri vero facile peccare possunt contra charitatem in se ipsos, pœnis gravissimis se exponendo.'

† Moullet, pars prima, p. 345.

‡ Gury, 'Casus Conscientiæ,' p. 39. It will be admitted that the case of Sapricius, as stated by Gury, is that of a professed smuggler, and we draw special attention to the terms of the exemplification, because definitions to be found in the 'Comp. Theol. Mor.' pp. 443–4, might be pointed to as confuting the idea that Jesuit practice ever would countenance any habitual fraud. These definitions, unfortunately too long for insertion, will be found marked all through with qualifying expressions, that practically afford as many loopholes for excepting cases from the principle apparently enjoined.

reduce the very heavy duty imposed by government on the sale of real property. The question with them is how they may best set about this? The trick is a noted one—yea, even most common. They agree to declare and insert only 20,000 francs as the price in the public deed of sale. Accordingly they go to a notary and make declaration of the inferior sum only. The notary, with a smile he cannot suppress—for he was aware of the true value—says to Gibertus, "Oho! Zounds! This will be a capital stroke of business for you;" and then, without a word more, he draws up the deed.' The questions that arise are, whether (1) 'they do any wrong who, after a sale of land, falsely state a lower price in the deed in order not to pay the duty; (2) whether the notary who was cognizant of the fraud is under any obligation to effect restitution; and (3) what would be his position if it was himself who had suggested the trick to the parties.'* After a little preliminary flourish concerning the duty of making true statements, we read—'the opinion, which seems the more probable, exempts the parties from all obligation to declare the true price, as *the law apparently intends merely to authenticate the deed and the transfer of the property* . . . so that no obligation of conscience is apparent for making a declaration of the price paid, or even of the lowest value at which a property can be appraised.' As for the notary, he is declared free from all blame, even though he may have been the suggestor of this manifest fraud, on the ground 'that though a public servant, he is not set over the taxes.' Such are the maxims and examples to which, by superior Jesuit authority, spiritual advisers are referred for guidance, in the event of their having to deal with cases of conscience where questions are raised about the observance of most undeniable obligations towards the State, and the employment of deliberate fraud to evade the same.

Let us now see the rules and principles inculcated for direction in cases affecting what is generally considered the primary duty of a soldier—faithfulness to his military engagement. It really does seem, when we peruse the section treating this subject of cardinal importance to the safety of the State, as if the thought uppermost in the mind of Father Gury could only have been how to devise pleas sufficiently elastic to make it easy for a soldier to desert with a safe conscience. In the first place, it is declared that every soldier who consents to serve in an unjust war will be *directly chargeable* with responsibility for every act of injury perpetrated by himself individually during its course, and *proportionally* for the total injury wrought

* Gury, 'Casus Conscientiæ,' p. 232.

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by the army;* thus introducing a principle absolutely subversive of all military discipline, that at every call to arms each soldier is to make himself judge whether to obey it will be in accordance with his conscience. That there exists a general obligation on deserters to return to their colours, Father Gury admits; but he couples the admission with grounds of exemption, amongst which one alone is quite sufficient to afford an unfailing plea for whoever may be minded to abscond. Any soldier, we are told, is justified in deserting, if he will allege 'great risk to his salvation—for instance, in the event of adequate provision not being made for access to the Confessional;'† so that, let only a Catholic soldier make profession of his having been obstructed in the desire to draw near a priest, and he may desert his duties with absolute impunity, according to the doctrine of Father Gury.

Nor is this the only proceeding sanctioned, which is calculated to weaken allegiance to the State. We find, beneath the customary preliminary display of general rigorist views, a ruling which practically relieves from censure so gross an act of fraud as the grant, in return for money, of a false medical certificate, with the view of getting off from conscription a man both liable and fit to serve. 'Trepidantius, dreading intensely to serve, but having been drawn by lot, bribes Armandus, a medical man, and, though perfectly well, obtains from him a certificate of ill health, and so gets exemption from service. A case occurring a thousand times every year! Is Armandus bound to give back the money he has taken?' To this Gury makes this reply: 'Armandus could certainly not retain the money, if it had been received from Trepidantius before he had declared him in ill health, for that is a contract *de materiâ turpi*, and therefore void. But the fraudulent declaration having already been made, the matter is one liable to controversy, as will be presently explained in the cases relating to the substance of contracts;'‡ and so, on the same ground on which we have seen the sanction of connivance extended to the acceptance of a money gift from a suitor by a Judge, when once the unjust sentence has been pronounced, it is ruled that, on the score of conscience, nothing stands in the way to make it uncomfortable for a medical man, with direct personal money advantage, to lend himself to the active promotion of a conspiracy for paralysing the defensive power of his country and for striking about the most treacherous blow that can well be struck at an institution essential for the safety of the State.

* Gury, 'Comp. Theol. Mor.' vol. i. p. 447. † Ibid.
‡ Gury, 'Casus Conscientiæ,' p. 234.

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A very slight effort of memory will recal more than one political situation, within the last twenty years, where maxims of this seditious tenour, spoken with the tone of authority by those clothed with the sacred character of sacerdotal essence, and addressed to an imperfectly cemented, an agitated, in part even an ill-affected, and, in many respects, a superstitious population, might well have been fraught with grave danger to the State. The embarrassments that might ensue to Governments engaged in the laborious strain of organisation, amidst the still encumbering *débris* of ancient institutions and the but half-completed fabric of new constructions, from expressions of this insidiously subtle character (directly sanctioned as they are by the gravest living authorities of the Church), if dropped from the influential lips of a priesthood actively hostile (as certainly the priesthood was, with but solitary exceptions, in Italy, and as it is as certainly in part in Germany), are too evident to demand development. It is unnecessary to expand this vein of ominous reflection by conjuring up a vision of political complications looming in the more or less proximate future, on which this authorised application of principles, certainly not free from a treacherous character, if brought into the field, might tell with seriously disturbing effect. In England we may, indeed, discard the notion, however exaggeratedly Ultramontane the sentiments of those who here preside over the Roman Catholic Church may become, that disloyalty to the Constitution would infect the body of the priesthood to any extent. The thought might, however, present itself to minds not necessarily labouring under the hallucinations of an alarmist mania, that there are portions of this Empire at once mainly Roman Catholic and not quite thoroughly penetrated with the spirit of political contentment; and it may not be altogether indifferent to reflect how it would be if, in the unfortunately not impossible recurrence of a state of popular sedition, the rising generation of the priesthood were to be disposed to put in practice those peculiar maxims, with which their minds have now perforce to make themselves familiar through the course of study in Jesuit theology, which is enforced by the present authorities of the Holy See.* Such

* That Gury's maxims are no dead letter for the Holy See, the following affords convincing proof. In 1860, and again in 1865, the Holy Penitentiary in Rome issued secret instructions for the direction of priests in cases of conscience connected with recent political events in Italy, manuscript copies of which we obtained at the time in Rome. In these documents, the authenticity of which we vouch for, occurs the following passage (the queries being in Italian, and the instructions in Latin): 'What is to be done with those involuntarily enrolled and obliged to serve in the national force of the intrusive government? Posse tolerari milites civicos coactos, qui militiam absque gravi damno seu incommodo deserere nequeunt, *dummodo tamen animo parati sunt eam deserere*

Such is an outline, slight indeed, but still comprising the most essential features of the doctrine presently taught, with the express approval of the Head of the Church, by the accredited organs of the Society, as directly conducive to that best possible governance of mankind, which will make the world radiant with the Greater Glory of God. Of the organisation of the Order we gave a sketch in our last number, and we have seen no reason since to consider it incorrect in any material point. Taken together, these two articles furnish, we believe, a not unfaithful account of the resources of this mysterious Corporation, and of the principles which are agreeable to its spirit. That it has been exercising an ever-increasing power in the Latin Church, is a fact too plainly written in the ecclesiastical history of the last three centuries to be for an instant called in question. What is not so conspicuous is the special element through which the school of Jesuit thought has been subtly working on the spirit of the Roman Catholic Church. This resides in the doctrine of Probabilism, in which lies distilled the sublimated essence of all Jesuit doctrine. The champions of the Order will say, that to pick out passages of the character we have quoted, as typical of what its doctors teach, is to falsify the nature of their writings. We admit that the Jesuit Divines never omit recommendations in favour of a strict observance of the Moral Code. Our contention is, that all these expressions of rigorous sentiment are reduced to mere figures of speech through the all-covering action of the principle of Probabilism, which runs continuously through the volume of Jesuit doctrine like a foot-note which thoroughly modifies the force of the text, exactly as the conditions laid down in the Constitutions with an elaborate display of stringency are practically cancelled through the faculties quietly lodged with the General. Through the slides of a side-proposition artfully masked, the Jesuit Doctors have provided a mechanism for converting at will the whole series of moral principles into a set of dissolving views.

Undeniably lax as is the tone of the Jesuit code, it would yet be a misconception to attribute to its framers the deliberate purpose of corrupting morals. The motive that has ever actuated the Society has been to secure influence, and the laxness in its

deserere quamprimum poterunt. Datum Romæ in S. Pœnitent. die 10 Dec. 1860.' 'Absolvendi sub conditionibus expressis, . . . milites qui arma tulerunt et dimicarunt contra Pontificiam ditionem *dummodo tamen animo parati sunt quamprimum poterunt sine periculo vitæ injustam militiam deserere.* Romæ die 9 Martis, 1865.' It is to be particularly noted that this *last* instruction is framed so as to include the *whole* army of the Italian kingdom, irrespective of whether the soldier was a native of the old Papal provinces, and therefore a rebel against the Pope-King.

doctrine

doctrine has been consequent solely on a sense that, to acquire this influence over untamed natures, connivance might prove an efficient instrument. 'Cui enim finis licet, ei et media permissa sunt,' is the maxim, of which the practical application is worked out in the Jesuit Code. The dangers must be self-evident of a so-called moral system, that rests on the principle of enticing coy spirits by sweetmeats within a charmed area. On the majority of mankind, labouring under innate frailty, a doctrine replete with justificatory pleas for self-indulgence can hardly fail to act in relaxation of moral restraints. Pascal's story of the serving man who robbed his Jesuit employers is not the only instance in point. In 1808 a Bavarian parish priest, called Riembauer, murdered his mistress with revolting cold-bloodedness, because he feared she would make their intimacy public to the ruin of his position. Being brought to trial, Riembauer, who displayed much morbid ingenuity, symptomatic of warped intellect, defended himself, on the plea that the deed was in strict accordance with the maxims he had been taught in the Seminary—that it was quite lawful to put out of the way any one from whom there was reason to dread a ruinous denunciation—and this he sustained by extracts from Stattler's 'Ethica Christiana,' at that time a standard manual.* No doubt this is an extreme case. Still this miscreant could appeal with perfect plausibility to maxims in divines of authority, which, without any strained construction, did seem to justify his deed.

Grave as is the demoralization that may be wrought by this system on the individual fibre, the State is still more interested in the action which its spread has exercised on the Constitution of the Latin Church. Before the confirmed ascendency of the Order, there had been recurrent exhibitions of imperious Papal pretensions; but these had not become so infused into the system of the Church as to be dogmatically proclaimed particles of its life-blood. The action of the Society of Jesus on the Constitution of the Church has been that of a chemical agent which precipitates a substance previously present in solution. The substance precipitated by Jesuit agency has been the essence of pure Abso-

* This psychologically very remarkable case will be found in detail with Riembauer's pleas in Feuerbach's 'Aktenmässige Darstellung merkwürdiger Verbrechen.' Giessen, 1829, vol. ii. p. 86. How inoculation with Jesuit doctrines results in strange reproductions! Of this the following is a striking instance. Weishaupt, the founder of the secret society of the Illuminati, which at the end of the last century exercised powerful influence in Germany, received his education in the great Jesuit College at Ingolstadt. In a letter written by him as Grand-master occurs this passage: 'Marius retains still something out of the Court Library. Let him communicate this to us, and make to himself no *casus conscientiæ* of this, *for only what brings harm is sin, and when advantage exceeds the harm, then it becomes even a virtue.*'

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lutism, the sublimated corrosiveness of which has been steadily gnawing away with deadly edge every element of organic independence. For what is wholly incompatible with the nature of the Jesuit system is an element of independence. Much as has been said about the intellectual eminence of the Order, as shown in educational institutions, its scholastic efforts have uniformly been directed to substitute for the occasionally exaggerated manifestations attendant on a vigorous nature that monotony which accompanies stagnant life—the dead-level of general mediocrity. Independence of character, of mind, of research, are objects fatal to the Society, which must be expelled, and in lieu of these it has evolved a system of pseudo-culture, studded with the counterfeits of science—playthings adapted to natures that are being carefully nursed to grow up with stunted strength. A glance at the Ecclesiastical annals of the last centuries is enough to reveal the increasing sterility within the officially recognised area of the Latin Church.

In the seventeenth century, the French clergy, then eminent above all others for Catholic tradition and conviction, not here and there individually, nor yet under the mask of timid-hearted anonymousness, but in corporate declarations with their names appended thereto, over and over again protested against, and stigmatized as outrageous, the theological maxims propounded by Jesuit divines. From no section of the great Catholic community has there, however, been heard any protest in recent times against enforced inoculation with such doctrine. If some individual has spoken an occasional word in disapproval, he has been instantly darted upon and ostracized as a rebellious sheep; but of collective protest from any quarter that might claim to represent an element of weight in the Church, there has been no sign.

This fact gives a measure to what degree that fibre of honourable self-respect, which was the best bulwark at once for the grandeur and the liberties of the Church, has been crushed out. Silently, but ruthlessly, that stealthy organisation which calls itself the Society of Jesus—in grim pursuit of what it also calls the Greater Glory of God—has laid siege to, broken into, and razed those glorious and venerable sanctuaries, in Italy, in Germany, and above all in France, whence during generations there had beamed forth across the wide plain of the Catholic world, with the calmly luminous glow of purified light, the mellow gleam of a religious sentiment, which did not divorce the fervour of Catholic piety from candid learning and heartfelt attachment to liberties, any more than it considered it essential for the triumph of the Faith to propagate a belief in coarse superstitions, and to fortify the Church by a network of trickeries. Having succeeded

succeeded step by step in outlawing every element that betrayed a feeling for organic freedom, the Society of Jesus, in our time, has set the cope-stone on their work by that momentous stroke in the Vatican Council, which has dogmatically identified the Church with the Order, and has practically transformed, at all events for the present, the organisation of the former into an enlarged house of the latter.

This is not the place to enter upon the proceedings through which this result was achieved, and the consequences which it is reasonable to infer may flow therefrom. Amidst much that is controverted, one fact is positive. The outcome of the Vatican Council was wholly in accordance with what had been strenuously striven for by the Order. It was a signal and emphatic victory for the Society. But the very magnitude of this triumph instantaneously evoked peril in the alarm instinctively instilled into the Civil Power at sight of this inflation of ecclesiastical pretensions. In consummating the conversion of the Latin Church into a synonym of the Jesuit Order, in vesting in the Pope absolute direction over a universal organisation, and in having ensured through careful preparatory enervation that, at the critical moment, all the forces in this organisation acquiesced in becoming obsequious agents at the beck of the Pontifical Cæsar, the authors of this transformation wrought a modification in the Church's Constitution, that materially altered the aspect presented by it towards the Civil Power. In the instinctive sentiment of the Civil Power, that it is being confronted by an organisation bristling with menacing sentiments, is to be found the key to the state of public feeling—most marked in Germany, but unmistakeably running along the whole line of modern governments—which looks on the new Constitution of the Latin Church with uneasiness, and singles out the Society of Jesus as the Prætorian Guard of a dangerous ecclesiastical Cæsarism. How things may shape themselves during the course of the conflict that has been fairly joined, it would be vain to speculate. This much, however, may be affirmed, that the deed which consummated the mischief was rendered feasible only because the ever-increasing spread of the influences specially represented by the Society of Jesus had thoroughly saturated and made subservient those who needed only to have protested, firmly and persistently, in order to have saved the liberties of the Church; and that the recovery of what has thus been lost from failure of courage, can be hoped for only when there is in the body of the Catholic community a revival of the spirit now apparently quenched.

ART.

ART. III.—*The Life of His Royal Highness the Prince Consort.* By Theodore Martin. With Portraits and Views. Volume the First. London, 1875.

'TO, me,' says Mr. Theodore Martin, in his admirable dedication of this volume to the Queen, 'biography, while one of the most fascinating, has always appeared one of the most difficult branches of literature. How difficult, the few master-pieces in that kind, of either ancient or modern time, are enough to show.' In view of much that has of late years been given to the world, the remark is peculiarly appropriate. A good biography demands very special qualities in the writer. As a primary requisite, he must enter thoroughly into the mind and character to be portrayed. He must also have so lived into the circumstances, and become imbued, as it were, with the atmosphere of the life of the man whom he has undertaken to describe, as to be able to look upon its incidents with the same eyes, as nearly as may be, as his. At the same time he must have the power of holding himself so far aloof as to scrutinize all its details with a judgment at once calm and penetrating, to discriminate the relative importance and significance of every detail with which he has to deal, and to assign to each its due place and relief in working out the picture which is to reproduce in the minds of his readers the conception to which conscientious research and long meditation have given a definite shape within his own.

Nor does the difficulty end here. 'We are a mystery,' as Mr. Martin truly says, 'to ourselves; how much more, then, must we be a mystery to each other;' and he illustrates his proposition by Keble's beautiful lines, which remind us, that

> 'Not even the tenderest heart, and next our own,
> Knows half the reason why we smile or sigh.'

An almost womanly sympathy and tenderness of touch are, indeed, required for the subtle half-tints that make up much of the charm of a good biography. But no biography will be good which is not also distinguished by a manly sincerity, no less than by the wise reticence of sound taste, and by an austere judgment that holds in check the writer's enthusiasm. For enthusiasm he must have; or the book will want that underglow of life, without which the reader's sympathy is not to be arrested or retained.

These considerations, and they are only a few of those which enter into the question, have had little weight with the mass of recent biographers. A quantity of crude materials, some good,

good, some bad, some utterly worthless, are thrown together without method and without selection. All sorts of petty details, in themselves of the most insignificant kind and valueless as illustrative of character, are gone into, often at intolerable length. Things are not unfrequently divulged, which might make the miserable subject of the narrative turn in his grave with horror. His weaknesses, the mere accidents, it may be, of broken health, are recklessly laid bare, and the dearest secrets of his heart turned into a theme for vulgar gossip. 'To drag his frailties from their dread abode,' would seem to be the main object in view; and they who should protect the man, whose life they have set themselves to manufacture into a book, do him as much mischief by their inconsiderate babble, or clumsy vindications, as the malevolent cynic does to the man and woman he has happened to know, who leaves behind him, as a legacy to mankind, a journal of the vilest gossip of his fellow cynics, which he dared not publish in his own lifetime, to be published after his death as 'materials for history.'

Happily a swift oblivion inevitably overtakes biographies into which so little conscientious study and artistic skill have gone. Charles Lamb, fortunately for himself, had sunk into his grave before some of the chief offenders in this line had thrust their chaotic octavos upon the world, otherwise these would, to a certainty, have been included with Court Circulars, Statistical Reports, Beattie's and Soame Jenyns's works, and the like, in that famous catalogue of his 'books, which are no books.' It is with a very different order of book that we are now called upon to deal. In the 'Life of the Prince Consort' by Mr. Theodore Martin, we have a book which is a book—a book fitted to be as welcome in the drawing-room as in the library,—and which Charles Lamb would certainly not have included in his catalogue of *biblia a-biblia*, for he would have been sure to have been delighted, not less with the delicate insight into character which it affords, than with the thoroughly artistic skill which has gone to its production.

Mr. Martin's task was one of supreme difficulty. The events in which the Prince played an important, though often unnoticed part, were still recent; the passions of old party strife had not as yet wholly cooled down; men were still alive of whom it was difficult not to speak, but who could not fail to be deeply sensitive about whatever was said in any work which appeared with Her Majesty's sanction. Much had to be set right, as to which the public were either inaccurately informed or wholly in the dark. To write a life of the Prince, which did not deal fully with public affairs both at home and abroad, which did not grapple

grapple with the *motum civicum, gravesque principum amicitias*, which are at all times a theme of peril, would have been to write a life from which what constituted its main elements of interest was omitted. Yet how might a writer hope to hold the scales so evenly as not to give offence, or, what in such a work was to be still more deprecated, provoke controversy in which possibly the Sovereign might be involved?

Then Mr. Martin, as he tells us, 'had not the happiness or the good fortune to know the Prince personally,' and he had therefore to enter upon his task in total uncertainty whether he should be enabled by the information to be placed at his disposal to overcome this disadvantage, or to satisfy his instinct as a writer of experience, that nothing was withheld, which 'an honest chronicler' ought to know.

From the latter difficulty Mr. Martin assures us he was at once relieved by the generous unreserve with which Her Majesty placed every species of information at his disposal—an unreserve which this volume enables us to estimate in all its extent, while it shows at the same time, by the prevailing discretion and good taste with which Mr. Martin has used his materials, how fully the confidence has been repaid. One thing at least is evident, from what Mr. Martin has written, that the relation which has subsisted between himself and his Sovereign, with reference to this work, has been one of entire frankness on one side, and of unconstrained independence on the other. Mr. Martin has obviously not been asked to withhold the frankest expression of the convictions at which he has arrived from the facts and documents before him; and he has not hesitated to speak out with the fearless loyalty of a man who felt sure of a generous estimate from a Sovereign whose truthfulness and directness of character are no secret to her people.

With such materials as have obviously been placed in Mr. Martin's hands he was well qualified to deal. The pages of this Review have, on more occasions than one, contained evidences of his power to place eminent men of a past day before us 'in their habits as they lived.' And his admirable Monograph on Horace had satisfied the most fastidious that his knowledge of men and things, and his quick spirit of imaginative sympathy, were likely to bring vividly before us the salient points of the history of the days in which the Prince's lot was cast, and to show the Prince himself moving and working among them with all the animation of a living picture. Nor have the expectations of those who were familiar with Mr. Martin's powers as a writer been disappointed. Even from this first volume the world will be enabled to know the Prince as he

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has not been known before. When the work is complete, and the Prince, who in these pages is seen rather growing into the great man, than developed into the noble proportions which his character afterwards assumed, we may hope to possess a record not unworthy of one to whom, as Mr. Martin well says, England has assigned a foremost place 'among those whom she delights to hold in reverent remembrance.'

Fascinating as the work is, its success must not be altogether attributed to the merits of the writer, admirably although, to our judgment, he has executed his task. In this instance the Life is that of a person placed in a most singular and difficult position: always before the public, liable every day of his life to do something, or to say something, which might provoke censure or evoke applause; and, on that account alone, it becomes a Life of exceeding interest. Moreover, the character of the hero was fully as singular as the position he occupied. Perhaps the most remarkable point in that character, which is clearly discerned and well brought out by the biographer, is the interest, and that not of a superficial kind, which the Prince took in everything that went on around him in the world. Mr. Martin is thus justly entitled to say:—

> 'Quicquid agunt homines, votum, timor, ira, voluptas
> Gaudia, discursus, nostri est farrago libelli.'

But it was not only the passions and affections of the men of his time that engaged the active mind of the Prince Consort. He took as deep an interest in the artistic, and literary, and scientific world, as in the political in which he bore so prominent a part. Nor was his interest bounded by any particular form of culture. An excellent judge of painting and of sculpture, he was also equally delighted with, and equally skilled in appreciating architecture and gardening. We particularly notice gardening, because the Prince has left behind him proofs of his great skill in that art in which, as his biographer notices, he took as much delight as did Lord Bacon. His love for it is well expressed in the following passage in one of his letters to the Princess Imperial of Prussia, 13th April, 1859.

'We have an art, however, in which even this third element of creation—inward force and growth—is present, and which has, therefore, had extraordinary attractions for me of late years, indeed I may say from earliest childhood, viz., the art of gardening. In this the artist who lays out the work, and devises a garment for a piece of ground, has the delight of seeing his work live and grow hour by hour; and, while it is growing, he is able to polish, to cut and carve, to fill up here and there, to hope, and to love.'

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Then, too, there was probably no man of his time who was so thoroughly versed in all the improvements in manufacture that abound in this improving age. All those persons who had the good fortune to be brought into close converse with the Prince, will recollect with what animation, with what fidelity, and with what clearness he was wont to describe any new development of manufacture which he had recently seen. He excelled in statement, using no unnecessary words, and taking every division of his statement in its own order. We have often thought how it would have delighted the inventor, or the adopter of some improvement in manufactures, to hear how fully and how admirably the Prince described its peculiar merits, and the new work it was to do.

It has frequently been a subject for anxious thought with biographers, whether they should give a summary of the character of their heroes at the beginning of the work, or at the ending; or whether they should leave this summary to be formed by the reader for himself. We prefer, not having that space at our command which the biographer possesses, to give our view of the Prince's character before entering in detail into the many subjects of private and political import with which the book abounds.

One of the principal characteristics we have already noticed, namely, his interest in all human affairs, and we might have added, his exceeding desire for the highest self-culture. Such a Prince would have greatly delighted Goethe. But, joined with this exceeding desire for self-culture, he had what Goethe's critics, somewhat unjustly as we think, are wont to maintain that Goethe had not: namely, a deep interest in other men's proceedings, and in the general welfare of the world. It was impossible, however, for the Prince, with his affectionate nature, to be otherwise than very sympathetic. How strong and deep were his affections, may be discerned, not only in his domestic relations, but also in his general converse with the world, and in his great anxiety to diminish suffering of all kinds. Besides it is evident, from the records in this book, that the Prince's sense of duty was very strong, and that no man was more aware of the benefit that might be effected by a person in his position furthering everything that was likely to produce good for the world in art, science, literature, or manufactures. We have sometimes thought what would have been his career if he had been born to occupy a very different position. He would then, we feel almost certain, have devoted himself chiefly to one pursuit, and would have become pre-eminent in that. This, however, is not the business of a Prince. He can do more good

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by exercising the receptive faculty, and so being able to promote and encourage special excellence in others, than by any amount of culture, exercised in one direction.

But to proceed with the character, which may be summed up shortly. The Prince was an amiable, loving, affectionate man, possessing a high order of intelligence. He was penetrated by a sense of duty, such a sense of duty as was always to be seen in the great Duke of Wellington. He was very reticent himself, and very anxious that others should be reticent also. In a letter cited by Mr. Martin, which he wrote to his eldest daughter (21st of March, 1860), in reference to a very distorted report of some remarks of his own in a letter by the great Humboldt to Varnhagen von Ense, he says:—

'The matter is really of no moment, for what does not one write or say to his intimate friends under the impulse of the moment? But the publication is a great indiscretion. How many deadly enemies may be made if publicity be given to what one man has said of another, or perhaps even in many cases has not said?'

He was a very humorous man, and exceedingly prone to mark whatever was droll and comical that came before him, but always with exceeding good nature. This was a part of his character which was probably least known to the British public, and which would have more endeared him to them if they had known it.

He was a deeply religious man, with a pure horror of bigotry of any kind; and we should say, that he had always a dread lest theological questions of a minor kind should divert ingenious and learned men from devoting themselves to what he considered to be the essentials of all practical religious convictions, and their bearing on the truest and the best interests of mankind.

In the volume before us Mr. Martin has most judiciously avoided a common fault of biographers by not dwelling too long upon the early years of the Prince Consort. One boy is very much like another—that is, apparently so, for children, especially children whom the world are likely afterwards to care about, are very reticent, and do not by any means tell their elders all that is going on in their young minds. There are, however, certain peculiarities, even in these early years of the Prince, which deserve notice. These are well shown in a letter of Count Mensdorf to the Queen:—

'Albert, as a child, was of a mild, benevolent disposition. It was only what he thought unjust or dishonest that could make him angry. Thus I recollect one day when we children, Albert, Ernest, Ferdinand, Augustus, Alexander, myself, and a few other boys (if I am not mistaken, Paul Wangenheim was one) were playing at the Rosenau, and some

some of us were to storm the old ruined tower on the side of the castle, which the others were to defend. One of us suggested that there was a place at the back by which we could get in without being seen, and thus capture it without difficulty. Albert declared that "this would be most unbecoming in a Saxon knight, who should always attack the enemy in front;" and so we fought for the tower so honestly and vigorously, that Albert, by mistake, for I was on his side, gave me a blow upon the nose, of which I still bear the mark. I need not say how sorry he was for the wound he had given me. . . .

'He had a natural talent for imitation, and a great sense of the ludicrous, either in persons or things; but he was never severe or ill-natured, the general kindness of his disposition preventing him from pushing a joke, however he might enjoy it, so as to hurt any one's feelings. Every man has, more or less, a ridiculous side; and to *quiz* this, in a friendly and good-humoured manner, is, after all, the pleasantest description of humour. Albert possessed this rare gift in an eminent degree.

'From his earliest infancy he was distinguished for perfect moral purity, both in word and in deed; and to this he owed the sweetness of disposition so much admired by every one.'

It was well for England that these qualities did not escape the penetrating eye of the Prince's uncle, King Leopold. To the young Princess Victoria, heir-apparent to that throne, from the perilous splendours of which his youthful bride had been snatched by her untimely fate, Leopold had been a father—the only father the Princess had ever known. In her his affections had been centred; in her reign he yearned to see the fulfilment of that exemplar of constitutional monarchy which he had hoped to illustrate in the persons of the ill-fated Princess Charlotte and himself. In the character of his youthful nephew he saw the qualities which gave promise of what he could wish for in the Consort of his royal niece, and he singled him out from boyhood for the destiny he was ultimately to fulfil.

But the King was too conscientious to trust to his own judgment in so grave a matter;—and, well for our Queen, well for the Prince, well for England, he called to his aid one, on whose sagacity and fearless independence he could thoroughly rely. This was the friend of his heart—the friend who had stood by him in his hour of agony—the friend in whose heart thrilled to the last the pressure of the hand of that beloved Princess, which, as her life ebbed away, clung to his, as if to adjure him not to forsake the Prince, into whose eyes her own were never more to look. This was Baron Ernest von Stockmar, the inseparable companion of her uncle. He had often nursed the baby Princess Victoria in his arms; as she grew up she had often played around his knees, and, while she drank in instruction from

his lips, had grown to love him for his playful and kindly ways. But it was obviously not the future Queen of England merely whom Stockmar loved. He loved England, too; loved it with all his heart, as the citadel and bulwark of freedom, the one country in the world in which the claims of the many had been recognised, where a free civil life, and 'pure religion breathing household laws' were to be found in fuller force than they had yet been known in history. A time of many and radical changes he saw well was rapidly coming on; and he who was to possess the heart and ear of England's Queen, and to influence her domestic and public life, Stockmar had said to himself must be no common man.

It was not enough for a counsellor of this class that the young Prince Albert came recommended by the good opinion either of King Leopold, or of the many princely friends who had been impressed by the exceptional qualities that marked the Prince's youth. In this, as in all things, Stockmar would answer only according to his conscience. The welfare of the young Queen, the welfare, it might be, of a great nation, were dependent on the issue. He must prove the young man thoroughly before he would lend any sanction to his candidature; and he would do so only then if he found in him the 'making' of a noble Prince, fully equal to the position for which he was destined.

Those who are old enough to be familiar with the incidents of the early part of the present reign will remember the whispers of jealousy with which the name of Baron Stockmar used to be spoken. A foreigner, with foreign notions, with foreign attachments, using a dangerous influence for the advancement at the English Court of interests other than English interests, was the idea of the man, which had become rooted in the minds of certain circles. The simple facts are brought before us in the present volume; and all may now learn that England had no truer friend, that her Queen had no more loyal or English-hearted adviser, and that Prince Albert had in him a mentor whose sole object was to accomplish him in all respects for the duties of his station, that England's stability might be strengthened amid the crash of tottering kingdoms, and that her greatness might be upheld amidst every assault from without and from within.

In all his relations with the Prince Consort, the appearance presented by Baron Stockmar is truly admirable. Never, in the history of Kings and Princes, do we find that any of these ruling personages had a truer friend than the Prince Consort was blessed with in Baron Stockmar. It was to the honour of both, that it was fearless and frank on the side of the Baron, as it was

trustful

trustful and sincerely modest on that of the Prince. Sometimes, in the course of Mr. Martin's narrative, one almost thinks that the Baron exceeds the limits even of true friendship in saying disagreeable things to his Royal friend. But the Prince knew better. What his friend said he knew was prompted by a heart that loved, as few can love, no less than by a head that thought, as few could think. Nothing from such a friend could, therefore, come amiss.

At the first the Baron forms an opinion not altogether favourable of the Prince's character. At any rate, he sees grave errors and certain dangers:—

'The Prince,' he says [*Denkwürdigkeiten*, p. 331), 'bears a striking resemblance to his mother, and at the same time, though differing in much, takes after her in many respects, both physical and mental. He has the same mobility and readiness of mind, the same intelligence, the same overruling desire and talent for appearing kind and amiable to others, the same tendency to *espièglerie*, and to the treatment of men and things in a droll and consequently often pleasant fashion, the same habit of not dwelling long upon a subject.

'His constitution cannot be called strong; still I incline to think, that with proper dietetic management of himself, it may easily gain strength and stability. After any exertion he is apt to look pale and exhausted. Great exertion is repugnant to him, and his tendency is to spare himself both morally and physically.'

Upon these remarks of Baron Stockmar, Mr. Martin judiciously observes:

'Such was the searching accuracy of Stockmar's powers of observation, that it is impossible to doubt the general truth of this sketch. The eye of the old physician was not more quick to detect the latent constitutional weakness, which was afterwards fatally developed, than to see the disinclination to sustained effort, which was probably in a great measure, if not wholly, the result of that weakness. At the same time it must not be forgotten that the standard by which Stockmar judged the Prince was no ordinary one. How few young men, even among the greatly gifted, could have borne so well a scrutiny so relentlessly severe?'

On the betrothal of the Queen and Prince Albert, the Prince wrote to the Baron to give what he knew would be 'the most welcome news possible;' and, speaking of the joyful fact, in the tenderest and most modest terms, says, after the fashion of all true lovers, that he 'is puzzled to believe that he should be the object of so much affection,' concluding with Schiller's beautiful lines in the 'Song of the Bell,' when the poet's youth and maiden are betrothed.

'Das Auge sieht den Himmel offen,
Es schwelgt das Herz in Seligkeit.'

'Stockmar,' says the biographer, 'would not have been Stockmar, if, while offering to the Prince his hearty congratulations in return, he had not coupled them with earnest counsels as to the course which must be pursued in laying the foundation of his future happiness, and in fulfilling worthily the duties of his great position. The Prince's reply was well calculated to assure him he would not be disappointed.

'Dear Baron Stockmar,—A thousand, thousand thanks for your dear, kind letter. I felt sure you would take much interest in an event of such moment to myself, and for which you have yourself paved the way.

'I have laid to heart your friendly and kind-hearted counsels as to the true foundation on which my future happiness must rest, and they accord entirely with the principles which I had already thought out upon that subject for myself. An individuality, a character, which shall win the respect, the love, and the confidence of the Queen and of the nation, must be the keystone of my position. Such an individuality gives a guarantee for the disposition, which prompts the actions; and where this exists, even should mistakes be committed, they are more likely to have allowance made for them, than are the best and grandest designs to secure support, where confidence in their author is wanting.'

And, indeed, throughout the whole of this most valuable correspondence, the Baron plays the part of Mentor with so much severity and with so little reticence, that we sometimes wonder whether a grown-up and decidedly mature Telemachus will endure it. But the Prince is never offended, and never replies with other than the due modesty of a younger man, and the due affection of a friend to a true friend. We should be inclined to rest our opinion of the Prince's character and the Prince's merits upon the Correspondence between himself and Baron Stockmar, if that alone had been published. If the Baron never forgets that he is somewhat of a tutor, the Prince always remembers that he is a Prince, and must reply with princely courtesy and just consideration to one of the best and truest of friends.

We have sometimes thought while reading the letters and conversations that are recorded in this book, between the Prince Consort and Baron Stockmar, that the Baron was a kind of virtuous Macchiavelli. The good man would doubtless have been much astonished if he could have heard himself so described. Those, however, who have read their Macchiavelli must, we think, have read him to little purpose, if they have not discerned that he would have given very virtuous counsels, if virtue had been the fashion of his day. It is in the depth and shrewdness of the Baron's remarks that we have traced this singular resemblance. He always seeks to impress upon his Prince

Prince the necessity for continuing to build up his own character in such a manner as to make it most serviceable with regard to the position that he occupied—in short, to make himself a noble and great man, and then that all good work would follow. He is to be diligent, not to fear hostile censure, not to give his mind too much to details (an error which the Prince was not unlikely to commit), but to seek out the principles upon which any great affair was to be conducted, to hold to them, and to impress them upon others. Do right, and all will come right.

There is one fact which we wish our readers to take into due consideration. The Prince Consort was born in 1819. The end of this volume of Mr. Theodore Martin's brings His Royal Highness's life up to 1848. He was, therefore, only twenty-nine years of age at the conclusion of this part of the narrative. And it is certainly most surprising, that a man of this comparative youthfulness should have manifested the mature sagacity which appears throughout these pages. We make this remark, because we ourselves found, in considering this 'Life of the Prince Consort,' that we had unconsciously been thinking of him as when we mourned his loss, and when he was thirteen years older.

The work we are criticising most happily illustrates the political history of the period. And here again we must give his due meed of praise to the biographer, who has dealt with this part of the subject almost as if he were a man devoid of party feelings. We should conjecture that Mr. Theodore Martin is one of those persons who take a great interest in politics; but, to a certain point, it is the interest of a bystander. There is evidently a love of order and discipline in his mind which makes him somewhat Conservative. On the other hand, he is willing to welcome improvement from whatever quarter it may come, and to look generously at all endeavours in that direction. He seems to sympathise with each Ministry as it comes forward on the stage; and, in that respect, he associates himself with the thoughts and feelings of his hero.

Had this book been merely a record of the private life of the Prince Consort, we should have welcomed it on that account; but it has for us a much deeper and much wider interest. The book will be most valuable as an historical record; and, not the less so, to those persons who have lived through the times which Mr. Theodore Martin has described, for nearly all of us must acknowledge that it is about the events of contemporary history that our memories present us a strangely blurred and often a most inaccurate conception.

It was probably not foreseen by the biographer, when he accepted

cepted his honourable task, that his work was destined to assume so much of an historical character as it does. This result, however, was unavoidable, seeing that the Prince Consort took so large an interest in all that was going on around him, and exercised upon it an influence so considerable. Such being the case, it is most fortunate that the biographer possesses so singularly calm and equable a mind in dealing with political subjects; and, if we may presume to say so, it shows great discretion upon the part of the Queen to have entrusted the writing of this work to one who was not known as a politician. One thing alone is manifest—that Mr. Martin always endeavours to remove any misapprehension respecting the conduct of past or living statesmen, and to make a just and reasonable defence, wherever it can be made, upon those points respecting which they were considered by their contemporaries to have erred.

It is impossible to read his work without being impressed with one very noticeable fact, and that is the number of disastrous circumstances and events through which the British nation has victoriously passed during the few brief years in which the Prince Consort had scarcely assumed the position of political importance which he was afterwards destined to fill,—we mean the years of his life which are commemorated in the present volume. It needs only to refer to the headings of Mr. Theodore Martin's chapters to ascertain how frequent were these difficulties. In 1842, the uneasy state of public affairs, and the disturbed state of the country are mentioned. In 1844, there is the alarming state of Ireland, the arrest and the trial of O'Connell. In 1845–6, there is the troubled state of affairs in England. In 1846-7, there are the consequences of the Spanish marriages and alarming political symptoms in Europe. In 1847 there are Revolutionary symptoms throughout Europe, commercial distress in England, great distress in Ireland. In 1847-8 there is great commercial and financial distress in England and in Scotland, alarming increase of crime in Ireland, measures of repression, disturbed state of affairs in Switzerland, Italy, and France.

Somehow or other we have contrived to survive all these difficulties and dangers. A recent work by a writer of considerable eminence, has shown to us, Cassandra-like, the rocks which are now ahead of us. His warnings are not to be despised; but at the same time we may derive considerable comfort by contemplating the difficulties and the dangers which we have, in this short period of time, passed through unscathed. It may also be remembered that the Prince Consort was never daunted by these disastrous events; and, on all these occasions, proved himself to be

be a most valuable adviser to the Sovereign and to the Government of the day.

There is a disposition in the present time to look upon constitutional monarchy as if it were little more than a mere pageant. But no one can read attentively the pages of the work now before us without perceiving that not only are the public duties of the Sovereign, of which the world takes no account, of a very arduous kind, but that the Sovereign exercises a very material and important influence upon public affairs. Even these visits of courtesy from one Sovereign to another, which were a novel feature of the present reign, are not without their effect, and upon the whole a very good effect. It is clear, from what is revealed to us in this memoir, that, upon more than one occasion, the personal influence of the English Court had a direct effect in maintaining the peace of Europe. And, doubtless, the visits of the Kings and Emperors who came to the English Court did not fail to impress upon those monarchs a just idea of the latent power of the British nation.

There is one memorable letter written by the Queen on the subject of the Spanish marriages, which we think affords a noticeable instance of the service that a monarch may perform to his or her country, even when writing in a somewhat private capacity. The part which England took in that painful question, the exact limits which she placed to her interference, the reciprocity which she demanded from the other parties concerned, have never been better expressed than in the letter to the Queen of the Belgians, a part of which we here subjoin :—

'My dear Louise,

'I have read and re-read with the greatest attention the King's explanation of the recent events, and his statement of the motives which have governed the course of the French Government in regard to this unhappy Spanish affair, and I am deeply pained to have to declare that the perusal of his letter has in no way altered the opinion which I had previously formed, nor the pain I feel that these events should have occurred to trouble our cordial understanding*—an understanding which was so useful and so precious.

'The King accuses me of looking at these affairs only through the medium of Lord Palmerston. This accusation has caused me profound regret, because I had every right to hope that His Majesty knew

* 'Lord Aberdeen,' says the Comte de Jarnac, 'was the first to make use of the phrase, "a cordial, good understanding," in the course of a conversation with me at Haddo, his Scotch country seat. It expressed faithfully the nature of the relations which a sincere mutual attachment between two eminent statesmen had created for the two countries. . . . Even now, after more than thirty years, the two nations may congratulate themselves upon the practice, adopted then for the first time in their history, of living in relations of mutual confidence and goodwill.'—*Revue des Deux Mondes*, July 15, 1874, p. 294.

enough

enough of my sincere friendship for him to be convinced that this friendship would inspire within me the most lively desire—I might even say, anxiety,—to see things simply as they are, and to put upon them the most favourable construction. It is not the least of my vexations, to have to acknowledge towards all the world, that the conduct of France is wholly contrary to the spirit of our "*entente cordiale*," and to the agreement formerly come to between us. I know that Lord Aberdeen takes precisely the same view as ourselves, and I believe that he has expressed as much to M. Guizot.*

'The one simple fact, which governs this whole affair, is, that the King declared that he would not give one of his sons to the Queen of Spain, and that on this declaration he based the right to limit the Queen's choice to the family of the Bourbons descendants of Philip V. We disputed and denied this right; still we consented to the choice being so restricted, and even promised to recommend it to Spain; and to this we have most scrupulously and religiously adhered, without swerving one hair's-breadth. What the King desired has taken place; the Queen married a descendant of Philip V., and of his descendants just that one whom he knew we regarded as the least eligible. The same day the King gives his son to the heiress presumptive to the Crown, not only without previous concert with us, but contrary to the pledge which he gave me at Eu last autumn, when with the question of the marriage of the Queen he for the first time mixed up that of the marriage of the Infanta. This pledge was, "that he would not think of this marriage, so long as it was a political question, and not until the Queen was married and *had children*."

'The King endeavours to justify this departure from the course agreed upon between us, by assuming that we have pressed the candidature of our cousin Leopold, contrary to the engagement we had come under to His Majesty.

'I deny, in the most unqualified terms, that Leopold has ever been put forward as our candidate, either by the English Government, or by any member of the Coburg family. The fact is, that, if Leopold became a candidate, this was due to Spain alone; and to Queen Christina herself, who, whether acting spontaneously and in good faith, or as a trap for the English Minister at Madrid, took numerous steps to effect this combination, which she only abandoned at the last moment. Then, as throughout, our conduct has been invariably the same; we lent no countenance to this scheme, and we advised the Queen to seek among the descendants of Philip V. a candidate to her mind.

'Such, then, I assert, has been the line of conduct pursued by us; its straightforwardness and probity cannot be impugned.

* * * * * * *

'Nothing more painful could possibly have befallen me than this

* Lord Aberdeen had by this time written to M. Guizot in answer to his explanation of the affair:—'I do not comprehend why it has been thought right or necessary to abandon the engagement voluntarily entered into with me last year, and since frequently repeated, respecting the marriage of Montpensier.'

unhappy

unhappy difference, both because it has a character so personal, and because it imposes upon me the duty of opposing the marriage of a prince, for whom, as well as for all his family, I entertain so warm a friendship.

'My only consolation is, that as what is proposed cannot be carried out without producing grave complications, and without even exposing to many dangers a family whom I hold in high regard, they may even yet retrace their steps, before it is too late.

'Ever, your most devoted,

'Windsor Castle, September 27th, 1846.' 'V. R.

This was not a letter in the preparation of which Her Majesty's Cabinet had any share. That it was written in concert with the Prince (ever Her Majesty's most faithful adviser and truest friend) there can be no doubt. But although emanating purely from the Sovereign, we know from another source, that it had the entire approval of Her Majesty's Constitutional advisers. In a letter of Lord Palmerston to Lord Normanby, which is to be found in the third volume of Lord Palmerston's 'Life,' he says, with an obvious reference to the letter in question :—

'My dear Normanby, 'Broadlands, September 27, 1846.

* * * * * * *

'Do not mention it to any one; but the Queen has written the King of the French a tickler in answer to a letter he sent her. Both have passed through the Queen of the Belgians. Her letter was quite her own, in concert, I presume, with Prince Albert; and I did not see it till after it was written, but I concurred in every word. She claims the performance of his promise to her to delay till after children are born to the Queen. In his letter to her he had dropped all mention of that, and alluded only to Guizot's promise to Aberdeen. She takes no notice of what passed between the ministers, and dwells only on what was said between the Sovereigns.

'Yours sincerely,

(Signed) 'Palmerston.

We have said that the letter to Queen Louise was assuredly the result of the joint counsels of our Queen and the Prince. In every detail of the great business of Her Majesty's life, a husband so loved and so worthy of all trust could not fail to be appealed to for counsel and guidance. The world knows already from other sources something of the Prince's relation to the Queen, of which a more complete picture is presented in Mr. Martin's volume. It was perfect in its kind. The writer of the 'Introduction to the Speeches of the Prince Consort' thus describes it :—

'The tastes, the aims, the hopes, the aspirations of the Royal pair were the same. Their mutual respect and confidence went on increasing.

creasing. Their affection grew, if possible, even warmer and more intense as the years of their married life advanced. Companions in their domestic employment, in their daily labours for the State, and, indeed, in almost every occupation, the burthens and the difficulties of life were thus lessened more than by half for each one of the persons thus happily united in this true marriage of the soul. When the fatal blow was struck, and the Prince was removed from this world, it is difficult to conceive a position of greater sorrow, and one, indeed, more utterly forlorn, than that which became the lot of the Survivor—deprived of him whom She herself has described as being the "Life of Her Life."'—*Introduction to the Speeches and Addresses of the Prince Consort*, p. 55.

If, however, the writer of this Introduction had possessed the advantage of reading what Mr. Martin's readers now know, before he had written this paragraph, he might have added to it. The devotion of the Prince Consort to the interests of the Queen, and of the country which she governs, was complete. It was also very peculiar in its nature. The Prince did not aim at fulfilling, in any respect, the part of Her Majesty's Prime Minister, nor did he confine himself to the much humbler part of a mere private secretary to the Queen; but he did fulfil the part of her most intimate friend and counsellor, accomplishing himself for this office by making himself thoroughly master of the whole field of home as well as foreign politics, and, at the same time, never flagged in the endeavour (which we have every reason to believe was fully responded to) to make the Queen thoroughly understand and appreciate the knowledge afforded and the counsel given, so that those two great ones might think and act in complete harmony and unison. Their marriage thus formed such a union as is rarely met with, and *can* only be rarely met with—the pursuits and avocations of most men being such as their wives can seldom enter into, or deeply sympathise with.

A most interesting subject, and one which is sure to attract the notice of all classes of readers, is the relation between the Prince Consort and the Queen's Ministers, as it appears in the pages of this work. The shrewd political observers of that time must, no doubt, have perceived and commented upon the difficulty of the position. The Prince Consort was a great personage—naturally a very potent personage—but yet having no distinctly recognised place in the constitution. The Prince thoroughly understood this anomaly, and, by his great tact, turned an anomalous position into a highly honourable and most useful one.

Doubtless with regard to the Queen's Ministers, this relation between

between them and the Prince Consort must sometimes have begun with a little feeling of fear on their part lest there should be any interference on his, which might prove a hindrance to the conduct of public affairs. If any such fear, however, existed, it was very soon dispelled; and the pages of this volume abound with expressions showing the entire confidence with which his wisdom and behaviour inspired successive Prime Ministers:—

'Lord Melbourne cannot satisfy himself without again stating to Your Majesty in writing what he had the honour of saying to Your Majesty respecting His Royal Highness the Prince. Lord Melbourne has formed the highest opinion of His Royal Highness's judgment, temper, and discretion, and he cannot but feel a great consideration and security in the reflection that he leaves Your Majesty in a situation in which Your Majesty has the inestimable advantage of such advice and assistance. Lord Melbourne feels certain that Your Majesty cannot do better than have recourse to it whenever it is needed, and rely upon it with confidence.'

'Since the change of Ministry, the Prince had devoted himself more closely than before to the politics of the day. In this he was encouraged both by Sir Robert Peel and Lord Aberdeen, who were soon convinced, as Lord Melbourne had been, that Her Majesty had in him an adviser whose capacity and strong practical judgment could not fail to be of infinite value in assisting her decisions. Before Baron Stockmar left England, he had the satisfaction of being told by Lord Aberdeen, how greatly both Ministers were gratified to perceive that the Queen leant upon the Prince's judgment, and showed an obvious desire that he should share her duties. It gave the Prince, Lord Aberdeen added, the moral status and influence to which he was entitled; and they had also remarked with pleasure in their dealings with him, how gently he exercised his authority, never giving a decided opinion on any point without previously consulting the Queen. They thought it most desirable that the Prince should occupy this position, and, as it was with the full concurrence of the Queen, it could be open to no possible objection.'

'"Sir Robert Peel," says Lord Kingsdown in his unpublished "Recollections of his Life at the Bar and in Parliament," p. 130, "when he introduced me to him (the Prince) in 1841, said that I should find him one of the most extraordinary young men I had ever met with." So, he adds, it proved. "His aptitude for business was wonderful; the dullest and most intricate matters did not escape or weary his attention; his judgment was very good; his readiness to listen to any suggestions, though against his own opinions, was constant; and though I saw his temper often tried, yet in the course of twenty years I never once saw it disturbed, nor witnessed any signs of impatience."'

And it was with tears in his eyes, and with words of the deepest regret, that Lord Palmerston, who was Prime Minister when

when the Prince was taken from us, confided to one in whom he habitually placed confidence, how deeply he deplored for the nation, as well as for the Queen, the death of the Prince. This is the more worthy of record, as it is no secret that the political views of that Prime Minister and of the Prince had occasionally been much at variance.

Some idea may be given of the work before us by describing some one section of each division of labour which occupied the time and thought of the Prince and Queen during that part of His Royal Highness's life which Mr. Martin has already recorded.

In the course of this narrative there were many Royal visits received and returned. Such visits are not without considerable care and anxiety on the part of the entertainers; and they require to be managed with much discretion. In illustration of this we propose to give an account of the late Emperor of Russia's visit to the Queen.

Again, during that time which enters into the narrative of the biographer there are ministerial crises and changes of Ministers. We propose to give an account of one of these, which may serve as a type of the conduct of the Queen and the Prince on these critical occasions.

Thirdly, there is to be shown the interest which the Prince took in all the social affairs of Great Britain, and the encouragement which he gave to art, science, and manufactures.

To commence with the Emperor of Russia's visit to the Queen. On the 30th of May, 1844, the biographer says:—

'The Queen and Prince were somewhat taken by surprise by the intelligence that the Emperor of Russia was on his way to visit the English Court, and might be daily looked for. . . . On the 3rd of June he was met at the Slough Station by the Prince, and conducted by him to the Castle. The Emperor was greatly struck—as, indeed, who is not?—by the beauty and magnificence of that noblest of all royal residences; and his reception during the five days of his stay at the English Court impressed him with the conviction, which he repeatedly expressed, that it was conducted on the noblest scale of any Court he had seen. Everything, he said, appeared to be done without effort, and as if nothing more than ordinary were going on.

'The object of the Emperor in visiting England was no doubt mainly political. It was an excellent thing, he said to the Queen, to see now and then with one's own eyes, as it did not do always to trust to diplomatists only. Such meetings begot a feeling of friendship and interest, and more could be done in a single conversation to explain one's feelings, views, and motives, than in a host of messages or letters. He avoided discussion on the position of affairs in Europe with

with the Queen, but he took frequent opportunities of going into them with the Premier and Lord Aberdeen, and also with Prince Albert, conversing at all times with the greatest apparent unreserve. In all his conversations he professed the utmost anxiety to win the confidence of the statesmen at the head of English affairs, and to convince them of the uprightness and strictly honourable character of his intentions.'

The caution of the Prince Consort is manifested in the following passage, a caution which was no doubt equally exercised in the course of all the other visits from foreign Sovereigns:—

'On the Emperor the Prince produced a deep impression. He told Lord Aberdeen he should like to have him for his own son. In their personal communications he treated him with the greatest confidence, and paid him what in the Emperor's opinion was probably the highest testimony of his regard, by expressing a hope, that they might one day meet in the field of battle on the same side. The Prince was on the point of replying, that he trusted they might never see any interruption of the then peaceful state of Europe; but as this would have implied disapproval of the policy, which seemed to assume such an interruption as certain to take place, he checked himself, thinking the remark might be taken amiss.'

Her Majesty, in a letter to King Leopold, marked by the incisive perception and graphic force which Her Majesty brings to all her descriptions of men and things, gives her account of this visit of the late Emperor of Russia:—

'I will now (having told all that has passed) give you my opinions and feelings on the subject, which I may say are Albert's also. I was extremely against the visit, fearing the *gêne* and bustle, and even at first I did not feel at all to like it; but by living in the same house together quietly and unrestrainedly (and this Albert, and with great truth, says, is the great advantage of these visits, that I not only *see* these great people, but *know* them), I got to know the Emperor and he to know me. There is much about him which I cannot help liking, and I think his character is one which should be understood, and looked upon for once as it is. He is stern and severe, with strict principles of *duty* which nothing on earth will make him change. Very clever I do not think him, and his mind is not a cultivated one. His education has been neglected. Politics and military concerns are the only things he takes great interest in; the arts and all softer occupations he does not care for; but he is sincere, I am certain—sincere even in his most despotic acts—from a sense that it is the only way to govern. He is not, I am sure, aware of the dreadful cases of individual misery which he so often causes; for I can see, by various instances, that he is kept in utter ignorance of many things which his people carry out in most corrupt ways, while he thinks he is extremely just. He thinks of general measures, but does not look into details; and I am sure much never reaches his ears, and, as you observe, how can it?

'He

'He asked for nothing whatever—has merely expressed his great anxiety to be on the best terms with us, but not to the exclusion of others—only let things remain as they are. He is very much alarmed about the East, and about Austria. . . . He is, I should say, too frank, for he talks so openly before people, which he should not do, and with difficulty restrains himself. His anxiety to be believed is *very great*, and I must say his personal promises I *am* inclined to believe. Then his feelings are very strong. He feels kindness deeply,—and his love for his wife and children, and for all children, is very great. He has a strong feeling for domestic life, saying to me, when our children were in the room, "*Voilà les doux moments de notre vie!*" One can see by the way he takes them up and plays with them, that he is very fond of children.'

At the conclusion of the Emperor's visit, he spoke in the highest praise of the Prince Consort to Sir Robert Peel, saying he wished 'every Prince in Germany had as much ability and sense.'

Her Majesty, in her letter to King Leopold, makes the following important remark:—

'I hope that you will persuade the King (Louis Philippe) to come all the same in September. Our motives and politics are, *not* to be exclusive, but to be on good terms with all—and why should we not? We make no secret of it.'

It was with such feelings that the Royal pair exercised their hospitality towards all foreign Sovereigns.

We now proceed to give an account of some political events in which Sir Robert Peel was the principal person concerned, and as regards which it is to be seen what support and comfort he derived from the Queen and the Prince Consort. But before doing so, it is not out of place to say, that nothing can give a higher idea of the principles which governed the relation of the Crown to its Ministers after the marriage of the Queen, than what is revealed in the present volume. Lord Melbourne, always loyal and generous, with all his fatal good-nature and readiness to yield to the pressure of his party, used his best endeavours, as we have seen, to smooth the way for those who were to succeed him in the place he had so long occupied as the confidential adviser of the Crown. Much use had been made, to the prejudice of the Tory party, of their conduct as to the vote on the Prince's allowance, and other matters, at the time of his marriage. Sir Robert Peel felt that he had allowed himself to be carried away, for the moment, by the passion of his party, and that the part he had taken in apparent hostility to the wishes of the Queen and the interests of the Prince might well be remembered to his prejudice.

prejudice. But however well founded such apprehensions might have been under former reigns, the spirit which now reigned in the Palace was such as quickly to put all such apprehensions to rest. This is very clear from what Mr. Martin tells us (p. 118), and his statement we are in a position to corroborate on the authority of one to whom Sir Robert Peel more than once spoke to the same effect.

'Peel used to say, that he had felt no slight embarrassment on first coming into official contact with the Prince, for the fact was painfully present to his mind, that the serious curtailment of the Prince's income was mainly due to the prominent support which he had given to Colonel Sibthorp's motion the previous year. He was, therefore, not a little touched to find that not a shade of personal soreness could be traced in the Prince's demeanour. On the contrary, his communications were of that frank and cordial character which at once placed the Minister at his ease, and made him feel assured that not only was no grudge entertained, but that he might count thenceforth on being treated as a friend.'

And as a friend he was from that hour welcomed and trusted; and when he was struck down in 1850, in the full tide of his ripened intellectual strength and influence, none mourned his loss more truly than the Queen and Prince, whom he had felt an embarrassment in approaching.

It cannot be said that Mr. Martin is not a master of brevity, for, though these events are narrated in his work with sufficient fulness and admirable clearness, we find the greatest difficulty in condensing his account, and must often let the author speak for himself. It was after a tour in Germany undertaken by the Queen and the Prince, which had afforded both of them great delight, that they returned to encounter a very disastrous state of things at home:—

'The state of affairs at home had not improved within the last six weeks. The rain, which had pursued the Royal tourists on the Rhine, had for many weeks, amidst thunder and storm, deluged the harvest fields of the British islands, and serious fears for the crops had spread from the farmers to the statesmen, whose anxieties such an event were so much calculated to increase. A new and terrible feature of apprehension was added in the reports which continued to crowd in upon them of a strange blight which threatened wholly to destroy the potato crop in Ireland, and to produce serious ravages in England and Scotland also, where, if less relied upon by the population as a staple of food, it was an important source of wealth to the farmers. In the Prince's *Journal* for October, entry upon entry tells of the prevailing anxiety, which culminates in the beginning of October in the words: "Very bad news from Ireland—fears of a famine." A crisis of the gravest moment was at hand, which had to be grappled with firmly and at

at once. Cabinet Councils were called, and four of these held in one week early in November, "agitated England, perplexed the sagacious Tuileries, and disturbed even the serene intelligence of the profound Metternich." What engaged their deliberations could be no secret to the outside world. The Free Trade party saw in the disaster which had fallen upon the country an auxiliary more potent than the best eloquence of their best Speakers; and Protectionists, who had long seen that to Sir Robert Peel they must not look as a leader, watched with apprehension for his next move in a policy which they must have for some time foreseen could only result in the abolition of the protective duties on corn.'

Sir Robert Peel had at first been inclined to submit to Her Majesty an Order in Council 'at once throwing open the ports and trusting to Parliament for an indemnity.' He must, however, have been overruled by his colleagues, for Parliament was not called together, as had been the general expectation, but was prorogued.

Mr. Martin notices that, at that time, the Whigs, at least the Whig leaders, had also changed their views on the subject of Protection. But, as he justly remarks, there was a great difference between the position of the Conservatives and the Whigs in respect to this question, all-important at the time. The Whigs were not hampered by pledges to uphold Protection —pledges on the faith of which their rivals had been placed in power. Then came Lord John Russell's famous Edinburgh letter, dated 22nd November, 1845, in which he said, 'It is no longer worth while to contend for a fixed duty. The imposition of any duty at present, without a provision for its extinction in a short period, would but prolong a contest already sufficiently fruitful of animosity and discontent.'

The effect of this letter was, no doubt, very great, but it is probable that Sir Robert Peel's determination was not much influenced by it, and had been resolved upon in his own mind before. To so shrewd a man his position for some time must necessarily have appeared untenable. As our author says, 'A Minister, whose judgment went along with the policy announced by his adversary, had no alternative but to provide for him the opportunity of carrying it out.'

Accordingly, on the 5th December, he placed his resignation in Her Majesty's hands. How it was received the following extract from Sir Robert Peel's 'Memoirs' will show:—

'In the course of the interview with Her Majesty, which took place after my arrival at Osborne on the 5th of December, I trust that I satisfied the Queen that I was influenced by considerations of the public interest, and not by the fear of responsibility or of reproach, in humbly

humbly tendering my resignation of office. Her Majesty was pleased to accept it with marks of confidence and approbation which, however gratifying, made it a very painful act to replace in Her Majesty's hands the trust she had confided in me.

'I will not say more than that the generous support which I had uniformly received from Her Majesty and from the Prince, and all that passed on the occasion of the retirement, made an impression on my heart that can never be effaced. I could not say less than this without doing violence to feelings of grateful and dutiful attachment.' —*Sir R. Peel's Memoirs*, vol. ii. p. 222.

Lord John Russell was then summoned from Edinburgh to attend the Queen, and was entrusted with the formation of a Ministry. This proved at once to be no easy task:—

'Lord John Russell had from the first anticipated failure as by no means unlikely, and he had told Her Majesty that in such an event Sir Robert Peel would have no difficulty in carrying on the Government. But not the less severe was the strain upon that statesman's courage and loyalty when appealed to by his sovereign to resume the helm of affairs. The experience of the last year had taught him what he must be prepared to face in the coolness of former friends, the grudging support of unwilling adherents, and the rancour of disappointed political antagonists. Very significant is the brief record in the Prince's Diary of what occurred:—"Sir Robert Peel comes down in the afternoon, is very much agitated, but declares that he will not desert the Queen, and will undertake the Government."'

The biographer comments upon the sacrifice of his private feelings which Sir Robert Peel must have made on this memorable occasion. And, indeed, nothing can well be more painful for a high-minded man than, as the Leader of a Party, to have adopted some distinct line of policy on some very important question, thereby largely pledging both himself and his followers, and then turning suddenly round and saying, 'We are in the wrong, and our adversaries in the right.' Sir Robert Peel's very sensitive nature must have made this confession doubly distressing to him. And then, when from the force of circumstances, as in the present case, the Leader is not only compelled to retract his opinions, but to take action upon the contrary opinions, the painfulness of his position rises to its utmost height, and every generous mind, not under the immediate sway of party politics, must feel deeply for him and with him. Such were the feelings of the Queen and the Prince Consort:—

'"They had been long accustomed," writes our author, "to admire Sir Robert Peel and those about him, for thinking only of what was best for the welfare of the State, with little care whether it was good for his party or not. But in this most trying hour they felt more

strongly than ever that he had shown himself "a man of unbounded loyalty, courage, patriotism, and high-mindedness." These are Her Majesty's words, writing two days after his resumption of office. "His conduct towards us," she adds, "has been, I might say, almost 'chivalrous.' I never have seen him so excited and so determined, and such a good cause must succeed."

'Entertaining such views of the minister and of the situation, the result of the ministerial crisis could not be otherwise than gratifying to the Queen and Prince. "We are *seelenfroh* (glad in soul), as they say in Coburg," the Prince writes to his step-mother (25th December), "or still more frequently *ganz fidel* (in high glee), that we have survived a ministerial crisis of fourteen days' duration, and are now standing exactly where we stood before—upon our feet, whereas during the crisis we were very nearly standing on our heads."'

Our object in quoting the foregoing narrative, is to show the support and encouragement given by Her Majesty and by the Prince Consort to the Queen's Prime Minister. And this support was not given to that Prime Minister only, but also to preceding and successive Ministers.

It now remains that we should speak in detail of the Prince Consort's love of art, and of the service which he rendered to his adopted country by the promotion of art. The constant labours of his very laborious life prevented that continuous self-culture in art, to which he would otherwise, doubtless, have devoted himself. Our author tells us 'that, both in painting and in musical composition, he had acquired considerable technical skill; and in the etcher's art the Queen and himself found a delightful occupation for their scanty leisure. To sing and play together was also one of their constant recreations. To the Prince music was, at all times, a source of supreme delight—an element in which the hindrances and disappointments, and shortcomings of life were forgotten.' Mr. Martin has given us, in 'Extracts from Letters of Lady Lyttelton's,' a vivid idea of the poetical power which the Prince threw into his playing of the organ,—'the eloquent exponent,' as Mr. Martin assures us it was, 'of his thoughts and fancies.' And many of those who had the privilege of being present at the Private Concerts in the Palace will recognize the truth of the following picture of the Prince in his later years:—

'He would often stand apart in the drawing-room, while some great work of Beethoven, Mozart, or Mendelssohn was being performed, wrapt in reverie, but with a look in his face which those could best understand, who knew by it, that the pressure on a brain often too severely taxed was for the moment removed.'

In

In the first year of his marriage the Prince was called upon to take a public part for the promotion of that Art which he so greatly loved:—

'As the Prince's devotion to art soon became known, he was called upon to take a prominent part in its encouragement before the public. So early as March he was appointed one of the Directors of the Ancient Concerts, and directed his first concert in this capacity on the 29th of April. His selection of the music for the occasion was made with great care, and he attended an elaborate rehearsal of it with the Queen two days before. This concert has peculiar interest as the first of a very remarkable series directed by the Prince, which, with what was done by him elsewhere, gave a stimulus to the cultivation of classical music, and of musical art generally in England, that has been of the highest value in raising the public taste.'

A much wider sphere of action in respect to Art was to be opened to the Prince Consort in the succeeding year 1841:—

'One of the first acts of Sir Robert Peel after the instalment of his Ministry, was to suggest that the Prince, whose wide range of knowledge in art and science was by this time generally known, should be placed at the head of a Royal Commission to enquire whether advantage might not be taken of the rebuilding of the Houses of Parliament to promote and encourage the Fine Arts in the United Kingdom.'

The original Commission included a very remarkable array of names:—

'In May 1844, the names of Lord Mahon and Mr. (afterwards Lord) Macaulay were added by a supplementary Commission. "To me personally," the Prince writes to Sir Robert Peel (4th April, 1844), in answer to his letter suggesting this addition to the strength of the Commission, "their addition would be very gratifying, as these sittings (besides the interest of the subject itself) give me an agreeable opportunity, which otherwise I should not have, to get more intimately acquainted with some of the most distinguished men of the day without reference to politics."'

The Secretary to this Commission was Mr. (afterwards Sir) Charles Eastlake. He met the Prince, possessed with the then prevalent, but utterly groundless idea that the Prince would entertain some peculiar favour for his own countrymen, as it was not then generally known, as it is now, how completely naturalized in heart and soul the Prince was; and that there was nobody more thoroughly devoted to British interests and to British welfare than himself. This kind of error is not confined to the British people, though they have often been especially accused of it. In the history of all nations it may be seen that the foreigner is, for a time, suspect, although it may

be shown from history (from that of Spain especially) that the foreigner has often exceeded the native in his devotion to the country of his adoption. Sir Charles Eastlake manifested, in the course of this interview, the spirit and the good sense which might be expected from so eminent a man. 'I listened to his (the Prince's) plans, and made objections where I thought it necessary. Two or three times I quite forgot who he was, he talked so naturally, and argued so fairly.'

Sir Charles, who was afterwards much in contact with the Prince, and also saw not a little of the Queen, must have often rebuked himself at the surprise he felt that a Prince should talk so naturally, and argue so fairly. In other Courts, and in our own in a former day, such a feeling would have been not only natural, but more than justified. The earthly Jove's hand would grasp the thunderbolts on the slightest indication that his supremacy in knowledge and wisdom was questioned, and his talk would be of the character of 'thunder, nothing but thunder.' But those who have had the good fortune to converse with either Her Majesty or the Prince, must soon have been made to feel that they welcomed in others the simplicity, the directness, the frankness which are conspicuous in themselves. This was especially the case with the Prince, who had a singular delight in what Dr. Johnson would have called good talk, and who has been heard to say that one of the greatest pleasures in life is to hear a long course of good argument. The author of the 'Introduction to the Collection of the Prince's Speeches' corroborates this statement. 'In serious conversation,' he says, 'the Prince was, perhaps, the first man of his day. He was a very sincere person in his way of talking; so that, when he spoke at all upon any subject, he never played with it; he never took one side of a question because the person he was conversing with had taken the other; and, in fact, earnest discussion was one of his greatest enjoyments. He was very patient in bearing criticism and contradiction; and, indeed, rather liked to be opposed, so that from opposition he might elicit truth, which was always his first object.'

Sir Charles Eastlake now thought that the moment had come when he must make a stand against the introduction of foreign artists. Had His Royal Highness insisted upon this, Sir Charles had made up his mind to resign his Secretaryship. We must now give his own words:—

'I almost said as much by observing that I was irrevocably committed on that point by my letter to the chairman of the late committee. Prince Albert said he knew I was, for he had read that letter. He added, however, that he quite agreed with me. I then said I saw

no

no objection to English artists, who might be entrusted with the management of considerable works, employing Germans under them. To my agreeable surprise Prince Albert would not even admit that this was necessary, for he said he was convinced that in all that related to practical dexterity, which was the department in which it was assumed that some instruction (for fresco) would be necessary, the English were particularly skilful. He observed that in all mere mechanism the English generally surpassed all other nations. He gave several instances, and among others said, "Even to the varnish on coaches, it is surprising how much more perfect the English practice is than that one sees on the Continent."'

On this Mr. Martin notes:—

'The Prince, it is well known, was particularly observant of the materials used in manufacture, and of their special qualities, and often surprised people by his intimate knowledge of the technicalities of their own craft. We are able, on the authority of Lord Portman, to cite the following striking instance of the accuracy of his knowledge in a matter purely technical. When at Salisbury, in 1857, on the occasion of the Royal Agricultural Society's Show, the Prince visited the Cathedral Chapter House, the restoration of which was then nearly completed. The Prince admired the work, but observed to Lord Portman, who attended him, that the paint used was of the wrong kind, "and that in a short time it would fall off in flakes." A friend of Lord Portman's visiting the Chapter House in July, 1870, found the walls in great disorder, a part of the paint falling away precisely as the Prince had foretold.'

The Prince's attention was not merely directed to the encouragement of art, according to the common but restricted use of that word, which is mostly employed to signify works of sculpture, of painting, and of music. His attention was not the less directed, and was not the less usefully employed, in visiting and encouraging whatever of skill was to be seen at the great centres of commerce in this country. Mr. Martin gives a vivid account of the Prince's visit to Liverpool:—

'Not a point was lost to his observation. "He had often heard," was his remark to Mr. Bramley Moore, the Chairman of the Liverpool Dock Committee, who attended him, "of the greatness of Liverpool, but the reality far exceeded his expectations." After opening the dock with the usual ceremonies, the Prince brought the enthusiasm of his hosts to a climax by proposing at the déjeuner which followed, "Prosperity to British Commerce." The Prince's dock, the largest in the port, was then inspected; visits were paid to the South Corporation and Bluecoat Schools, and a careful survey was made of the St. George's Hall, with which considerable progress had been made. Mr. Elmes, the architect, found to his delight that every architectural feature of novelty or importance, which he would have wished to be noticed,

noticed, was appreciated and commented on by the Prince. At the docks and warehouses it had been the same. The Dock engineer, Mr. Jesse Hartley, a man of the first eminence in his profession, was at once surprised and gratified by the technical knowledge of hydraulic engineering shown by the Prince.'

'So close and practical,' says Mr. Martin, 'was the Prince's interest in the details of the work, that he requested that a sample of the granite-rubble masonry used in the docks, by the excellence of which he had been struck, might be sent up to him at Windsor Castle. These details are given on the authority of Mr. Robert Rawlinson, C.B., an intimate of both Mr. Elmes and Mr. Hartley, from whom he received them at the time. "St. George's Hall," Mr. Rawlinson writes, "is a noble monument of the artistic skill of the young and gifted architect. The Liverpool Docks are among the finest specimens of hydraulic engineering in the world. The Prince was at home with such men amidst such works. To an architect he could talk as an architect; to an engineer, as an engineer; to a painter, as a painter; to a sculptor, as a sculptor; to a chemist, as a chemist; and so through all the branches of Engineering, Architecture, Art, and Science."'

The further development of the Prince Consort's incessant labours to promote the best interests of art, science, and manufactures, will be seen in the remaining portion of his Life, which Mr. Martin has yet to publish. But enough has already been stated to prove that, from the Prince's first coming to England, up to the time at which the present narrative ends, he did not fail to be a most attentive observer of all that was going on in these great departments of labour, and to render his aid and sympathy to all good efforts made in that, or indeed in any worthy direction.

It is to be noticed of the Prince, as it is very characteristic of the man, that he did not care for those works only in which he himself took an active part. It is mentioned that—

'He loved to ride through all the districts of London where building and improvements were in progress, more especially when they were such as would conduce to the health or recreation of the working classes; and few, if any, knew so well, or took such interest as he did, in all that was being done, at any distance, east, west, north, or south of the great city—from Victoria Park to Battersea—from the Regent's Park to the Crystal Palace, and far beyond. "He would frequently return," the Queen says, "to luncheon at a great pace, and would always come through the Queen's dressing-room, where she generally was at that time, with that bright loving smile with which he ever greeted her; telling where he had been—what new buildings he had seen—what studios, &c., he had visited. Riding for mere riding's sake he disliked, and said: *Es ennuyirt Mich so.* (It bores me so.)"'

From

From a work so comprehensive and varied as this is, it is difficult to determine what passages to select, in order to give the best idea of what the reader will find in it most worthy of notice. But we cannot go wrong in calling attention to some of the Prince's remarkable expressions of opinion which are scattered through the book.

In a memorandum by the Prince, which he gave to Lord John Russell, on Italian affairs, there is the following pregnant and judicious passage: those of our readers who recollect the political events of the day (1847) will not fail to remember the occasion referred to by the Prince:—

'What will be Lord Minto's position at Rome? Will he be a minister accredited to the Pope, or a member of the British Cabinet? He will be opposed by the *Corps Diplomatique*, at the head of which the Austrian ambassador is supreme, who will be supported (if only underhand) by his French colleague. These two great Catholic powers have means in their hands to influence the Vatican, which we cannot dream of competing with. The probability is that Lord Minto will have very little real influence, and will be made responsible for every act of a doubtful nature, and of which he may have been totally ignorant.'

These are surely very wise suggestions, and very remarkable as coming from a young man only twenty-eight years of age. Lord John Russell assured Her Majesty, that the views expressed in the memorandum entirely coincided with the course of conduct which Lord Palmerston and himself had agreed to recommend to the Queen.

In a subsequent letter to Lord John upon the same subject the Prince observes:—

'England has, by her own energies and the fortunate circumstances in which she has been placed, acquired a start in civilisation, liberty, and prosperity over all other countries. Her popular institutions are most developed and perfected, and she has run through a development which the other countries will yet in succession have to pass through. England's mission, duty, and interest is, to put herself at the head of the diffusion of civilisation and the attainment of liberty. Let her mode of acting, however, be that of fostering and protecting every effort made by a State to advance in that direction, but not of pressing upon any State an advance which is not the result of its own impulse. Civilisation and liberal institutions must be of organic growth and of national development, if they are to prosper and lead to the happiness of a people. Any stage in that development missed, any jump made in it, is sure to lead to confusion, and to retard that very development which we desire. Institutions not answering the state of society for which they are intended *must work ill*, even if these institutions should be better than the state that society is in. Let England,

England, therefore, be careful (in her zeal for progress) not to push any nation beyond its own march, and not to *impose* upon any nation what that nation does not itself *produce;* but let her declare herself the protector and friend of all States engaged in progress, and let them acquire that confidence in England that she will, if necessary, defend them at her own risk and expense. This will give her the most powerful moral position that any country ever maintained.'

To the same effect the Prince wrote on another occasion:—

'We are frequently inclined to plunge States into constitutional reforms towards which they have no inclination. This I hold to be *quite wrong* (*vide* Spain, Portugal, Greece), although it is Lord Palmerston's hobby; but, on the other hand, I maintain that England's true position is to be the defence and support (*die Schutz-Macht*) of States, whose independent development is sought to be impeded from without.'

Again, with what sagacity and boldness the Prince comments, in a letter to Baron Stockmar, upon the King of Prussia's speech.

'"I have to-day read with alarm the King of Prussia's Speech, which in my vile word-for-word translation into English produces a truly strange impression. Those who know and love the King recognise him and his views and feelings in every word, and will be grateful to him for the frankness with which he expresses them; but if we put ourselves into the position of a cold critical public, our heart sinks. What confusion of ideas! And what boldness in a King to speak extempore; and at such a moment, and at such length, not only to touch all the most terrible and difficult topics, but to plunge into them slap-dash, to call God to witness, to promise, threaten, protest, &c."

'In writing to Baron Stockmar a few days later the Prince remarks on two qualities in the character of King Frederick William, which were soon found to interfere fatally with his powers to deal with the problems of practical politics.

'"The King lets himself be misled by similes which captivate his fancy, which he carries out only so far as they suit his purpose, and which frequently by no means reflect the true state of things, but satisfy because they are clever and suggestive (*geistreich*). This makes close discussion with him impossible."'

This last remark of the Prince Consort will be allowed by observant men to be singularly shrewd. Most of the greatest errors in the world find a large support in similes which captivate the fancy, but do not serve to enlighten the understanding.

His character of Pope Pius IX. is equally striking:—

'The Pope is the counterpart of the King of Prussia: great impulsiveness, half-digested political ideas, little acuteness of intellect, with

with a great deal of cultivated intelligence (*Geist*), and accessibility to outward influences. The rock on which both split is the belief that they can set their subjects in motion, and keep the direction and spread of the movement entirely in their own hands; nay, that they alone possess the *right* to control the movement, because it emanates from them?'

In conclusion, we would cite a remark that was made by the Prince Consort, which we think, though it is not of a political or diplomatic nature, deserves much consideration in the present time.

'"I don't understand," he would often say, "people making a business of shooting, and going out for the whole day. I like it as an amusement for a few hours. *Die Leute hier* (in England) *wollen ein Geschäft daraus machen.*"'

We said at the commencement of this article, that Mr. Theodore Martin had been very fortunate in having to portray the life of one who was so deeply interested in, and so thoroughly conversant with, most of the principal events of his time. There is, however, one drawback against which the author has had to contend. The Prince Consort's character was of that tempered, proportionate, and thoroughly well-conditioned nature, which does not admit of any of those violent contrasts which are wont, especially at first sight, to make a character interesting. The world in general is much fascinated by what is picturesque in character. A hero such as Cortes, pious and unscrupulous, polite and cruel, amiable and fierce, inevitably amuses, astonishes, and attracts us. The reader likes to read about these strange contrasts, and perhaps, plumes himself upon the fact that if he has not the greatness, at least he has not the inconsistency, of the hero of the story.

In reality there was something in the Prince Consort's character which entirely relieved its noble gravity and consistency. As we have intimated before, he was one of the most humorous of men—humorous in contra-distinction to witty; and the kind of humour was peculiarly British. It pervaded all descriptions he gave of anything that he had seen; it was lambent and not forked; and in short was of the kind that does not admit of repetition.

Moreover, as the Prince had a great dislike to giving pain, and to saying anything that was ill-natured, his humour never expressed itself in those short, sharp, sayings, which are easily recollected and readily repeated. Still, this humorous nature of the Prince formed a great and ever present relief to the somewhat stern quality of virtue which was always to be perceived in him as the ground-work of his character.

As

As an instance of this sternness, we may mention the feelings of the Prince as regards the conduct of Louis Philippe in the disastrous business of the Spanish marriages. It is evident that the Queen was inclined to forgive that conduct; but the Prince could not, feeling that 'if truth had deserted the rest of the world, it ought to find a resting-place in the bosoms of Kings.'

We have endeavoured to give a general review of this important and suggestive work. It is, however, a work of which extracts give but a faint notion, and it must be read throughout before a just opinion can be formed of the continuous labour, of the strict adherence to duty, and of the exceeding intelligence devoted to British interests, which this portion of the 'Life of the Prince Consort' reveals to us.

We have not dwelt much upon the purely domestic details which are described in this volume. These are, however, peculiarly fascinating, and, through the writer's skill, they have the special charm of being felt, rather than insisted on. Throughout the narrative it is clearly to be seen that the Prince Consort was a good husband, a good father, and a kind master; such a man, in short, as may be adopted by fathers for their own model, and set as an example before their sons.

We congratulate the biographer upon the conclusion of this first volume, and look forward with hopefulness to the future volume or volumes, with which he may favour us. At the same time, we cannot help remarking upon one of his singular merits as a biographer, namely, that he entirely effaces himself in his work, and that the reader is never withdrawn from the contemplation of the life of the hero by any prominence of the personality of the biographer. It is only when we pause to reflect on the impression as to the Prince, his character, and influence, which has been left upon our minds, that we appreciate the skill and artistic reserve which have produced so living and harmonious a picture from the complicated materials with which he has had to deal.

ART. IV.—1. *Le Barreau Anglais. Discours prononcé par M. Maurice Van Meenen à la Séance Solennelle de Rentrée du 29 Octobre* 1873. Bruxelles, 1873. 8vo.

2. *Hortensius.* An Historical Essay on the Office and Duties of an Advocate. By William Forsyth, LL.D., Q.C., M.P. 2nd Edition. London, 1874. 8vo.

3. *A Guide*

3. *A Guide to the Inns of Court and Chancery.* By Robert R. Pearce, Esq. London, 1855. 8vo.
4. *Remarks upon the Jurisdiction of the Inns of Court.* By Frederick Calvert, Esq., Q.C. London, 1874. 8vo.
5. *Speech of Sir Roundell Palmer, Q.C., M.P., delivered at the Annual Meeting of the Legal Education Association, in the Middle Temple Hall, on Wednesday the 29th November*, 1871. With a Report of the Proceedings. London, 1871. 8vo.
6. *Fusion: an Elementary Lecture, delivered Nov.* 28, 1872, *at the request of the Incorporated Law Society.* By Freeman Oliver Haynes, Esq. London, 1873. 8vo.
7. *Origines Juridiciales.* By Wm. Dugdale, Esq., Norroy King of Arms. Second Edition. London, 1671. 4to.
8. *Report from the Select Committee on Legal Education:* ordered by the House of Commons to be printed, 25th August, 1846. 4to.
9. *Report of the Commissioners appointed to inquire into the arrangements in the Inns of Court and Inns of Chancery, for promoting the study of Law and Jurisprudence.* London, 1855. 4to.

MR. FORSYTH, in his 'Hortensius,' of which a second and improved edition has now been published, has given, with much learning and literary ability, an historical sketch of the Advocate's office and functions, and described the origin and career of the profession in Greece and Rome, France and England. Hortensius, the famous Roman Advocate, has been selected by the author as The Advocate *par excellence*, and his name has therefore been taken as the title of this interesting work. Cicero had before paid a similar compliment to his friend and contemporary. Yet, Hortensius was guilty of such misconduct in the affair of Minucius Basilus,* that, had he lived in England in our days and been a member of an Inn of Court, the Benchers would probably have disbarred him. The English Bar has always kept itself remarkably free from the accusation of perverting privileges to the accomplishment of fraudulent objects, and has, for more than five centuries, held a high place in the estimation of the public, not only for learning and eloquence, but for honourable conduct. The profession is a favourite with the English nation. It has acted as an elastic band, uniting the aristocracy with the classes below it. The younger sons of the nobility, when possessed of sufficient mental energy for the Bar, have cheerfully entered its ranks, to gain there, by a successful career, wealth not otherwise attain-

* Cicero, 'De Officiis,' iii. 18.

able

able by them. The humblest tradesman, who can give his son a good education and enter him at an Inn of Court, may hope to see him rise to fame and opulence at the Bar, become a Judge and even Lord Chancellor.

But the opinion of an intelligent foreigner on matters affecting England, is often more accurate than any we can form for ourselves. It more resembles the opinion to be expected from the impartiality of posterity. Maurice Van Meenen, a learned Belgian Advocate, has, in a discourse lately delivered before the Junior Brussels Bar, given an elaborate account of the English Forensic system, from which we extract the following passages:

'England, as one knows, is the country of traditional institutions. These daughters of the genius of the nation have developed and modified themselves in the course of centuries together with the nation, shaping themselves in conformity to new wants, and, under the appearance of immobility, transforming themselves as completely as English civilisation itself. They are not at all, as in other countries, conceptions which, in a moment, have started full-grown from the brain of an individual or of an assembly, and been forced on a people whose wants they do not satisfy, and into the life of which they never, except superficially, penetrate. The spirit of England rebels against systems constructed according to absolute principles. It is the enemy of abstractions. Like the man of science, who only advances prudently, step by step, by the light of experience alone, it respects that which long traditional experience has brought to it, changes that only which is manifestly insufficient or bad, and, above all things, creates nothing but what is strictly necessary for actual wants.

* * * * *

'The Bar participates in the character of all the institutions of the country. It is from the unwritten common law, from a tradition six centuries old, that it derives its strength and greatness. It does not owe its existence to an Act of Parliament, or an ordonnance of the crown (*à une loi ou à un décret*), but it is itself one of the puissant organs of the Constitution. It has remained steadfastly the defender of the rights and liberties of the people, and has, in the worst periods of history, resisted the aggressive encroachments of power, the pretensions of the crown, and even the illegal proceedings of a Parliamentary majority.

* * * * *

'The Inns of Court are societies of a truly singular character. They are not corporations created by State authority, but purely voluntary associations: yet these voluntary associations are one of the organs of the State; they possess exclusive rights, regulate themselves freely, without tolerating the interference in their government of any authority whatever; but they have, as visitors, the Judges of the Supreme Courts of law sitting at Westminster.' (Pp. 6, 7, 8.)

The English Bar had its origin in a patriotic movement and uprising

uprising of the nation against the machinations of the Pope of Rome, in the era of the Plantagenets. The clergy, as the most educated class in the community, had got into their hands the administration of the municipal law of most of the European States; but the Popes wished to supersede such law by the Civil and Canon Law. Early in the reign of our Henry III., the Episcopal Constitutions were published, which forbade clerks and priests to practise as advocates in the Common Law Courts. Towards the close of the same reign (A.D. 1137), a complete copy of the Pandects was discovered at Amalfi; and from that time, in England as elsewhere, the clergy endeavoured to introduce universally the study of the Canon and Civil Law in preference to the ancient laws of the realm. In A.D. 1254, Innocent IV. forbade the reading of the Common Law by the clergy, who down to that time had been its chief expositors at the Universities. It then became necessary either to train up a body of laymen to the law, or to allow the Civil Law to supersede it. Inspired by patriotism, the youth of England in great numbers entered with ardour into the legal profession. Schools of law were, in the first instance, opened within the precincts of the City of London, and they were most numerously attended, especially by the sons of the landed gentry. Edward I., in 1292, authorised the Chief Justice and other Justices of the Court of Common Pleas, which had then sole jurisdiction over all civil causes, to confer the exclusive privilege of pleading causes upon a certain number of persons learned in the law, who were to be selected from every county in England. The serjeants at law, who have always formed a distinct class, are an order of advocates which derives its status directly from the Crown. The Judges of the King's Bench and Common Pleas and, subsequently, of the Exchequer, were selected exclusively from the serjeants, who, before being made Judges, acted as advocates, and were at one time the only advocates. From the 20th of Edward I. down to the present reign, serjeants only could practise as advocates in the Court of Common Pleas, or try civil causes at Nisi Prius at the Assizes. On the calling of every Parliament the Judges and serjeants are summoned by writ to give their attendance, and the writs of summons are issued to the Judges, not as Judges but as serjeants.

It was impossible for the legal business of advocacy throughout England to be satisfactorily conducted very long by a small set of men privileged by the Crown. It was essential that some freer opening for the transaction of legal business should be offered to the crowds of young gentlemen who had been encouraged to devote themselves to the study of the Common Law,

and

and who had already begun to organize themselves into societies, which we should now call clubs. The advocates and students of the law appear to have formed themselves, as early as A.D. 1307, into one or more voluntary societies, in the nature of colleges, under the sanction of the Judges, for the study and advancement of the law. They were always distinct from the serjeants, and had separate Inns and independent self-government; but they had a difficulty for some time in finding suitable places in which to reside and pursue their studies. Strong objections appear to have been entertained to their being allowed to settle themselves permanently within the walls of the City of London. They were able at last to hire various old buildings, at places situated between the City and Westminster, where the King's Courts of Law were generally held; but they established themselves there in the first instance as lessees only from private owners. The 'apprentices at law' were soon permitted by the Judges to act as advocates in those courts in which the assistance of serjeants could not be obtained. But the apprentices soon became absorbed into the class of 'utter-barristers,' who were so called because in arguing 'moot cases' in the Halls of their societies, they were placed at the outer or uttermost end of the form on which they sat, called 'the barr.' They are now called Barristers simply. In all societies of Barristers the Readers and Benchers of each House were, from the earliest times, the superior and governing body, and occupied the upper end of the hall, which was raised on a daïs; next came the utter-barristers, who sat below them, and finally the students, who were at one time called 'inner barristers.'

In the time of Sir John Fortescue, Chief Justice in the reign of Henry VI., the Four Inns of Court were in existence, and we learn from him that there were about two thousand students in the Inns of Court and Inns of Chancery. The class of society to which they belonged may be judged of by the fact that the expense of each law student in Fortescue's time amounted to more than 28*l.* a year, which is equal to 450*l.* of our money. They were therefore a numerous class, drawn to the metropolis from the most important families in the kingdom, and they required careful management by competent authorities. This was afforded by their system of self-government established in their several Inns of Court. Each of the four Societies had already acquired, at the cost of its own members, and without any assistance from the State, a house for itself, called an Inn of Court, and in each of these Inns, and in the Inns of Chancery affiliated to them, the students were lodged, fed, and instructed. They were not taught law only, but they came under a system of

of general discipline, which extended even to dress, demeanour, and amusements.

We will now explain briefly how the property of the Inns of Court, which in our days has been said to belong to the public, was originally acquired.

After the order of Knights Templars was abolished by the Pope and their property seized by the Crown, Edward II. (A.D. 1307) granted the Temple estate to the Earl of Pembroke, who afterwards (A.D. 1315) resigned the grant to the Earl of Lancaster. One considerable body of the professors and students of the law became the Earl of Lancaster's lessees of great part of the old Temple, and thereby gained, for the first time, that footing there which has never since been lost. Subsequently, after a series of changes, the Temple came again, by escheat, into the hands of Edward III., and he committed it to the care of the Lord Mayor, as his escheator. That the lawyers then resided in the Temple, appears by a curious mandate of the King, dated 2nd November, 1330. In the course of the same year he farmed out the estate of the Temple, with certain exceptions, to William de Langford, at a yearly rent of 24*l.*, and the Society became De Langford's sub-lessees. But the Temple Church, the cloister, and other 'sanctified places dedicated to God,' and also the 'residue' of the Temple, were subsequently granted in fee to the Prior and Brethren of the Hospital of St. John, who were afterwards called the Knights of Rhodes, and ultimately the Knights of Malta. But the more western parts of the Temple, called the 'Outward Temple,' were not included in this grant. Thereupon an abatement of 12*l.* 4*s.* 2*d.* was made by the Crown out of William de Langford's rent in respect of the premises taken from him. At that time the total revenue of the estate of the Temple was estimated at 73*l.* 6*s.* 11*d.*, equal to about 1000*l.* of our present money. There were two Halls in the Temple in the year 1337. The first, which stood on the site of the present Hall of the Inner Temple, had been the Hall of the old Knights Templars, and was the one originally assigned to their successors, the Hospitallers; the other had been the Hall of the 'Freres Serjens' of the order, and remained in the hands of the Crown until A.D. 1340, when it was also granted to the Hospitallers as part of the 'residue of the Temple.' The lawyers who were congregated in the Temple had no title there, except as lessees of William de Langford or of the Hospitallers. But between the reigns of Richard II. and Henry VI. they had become so numerous, that both Halls were necessary to contain them, and they divided themselves into two separate Societies, called the Inner Temple and the Middle Temple. The Outward Temple, which was farthest

farthest away from the City, was granted away by the Crown, and became, after a series of changes, the site of Essex House. In 32 Henry VIII. an Act of Parliament was passed dissolving the Order of the Hospitallers and vesting all the property of the brethren in the Crown, saving the rights and interests of the *lessees* and others who held under them. In this way, though not originally, the Templars became tenants of the Crown, paying rent for the property held by them. The old Hall of the Freres Serjens soon became too humble for the thriving Society of the Middle Temple, and in reliance that they would never be disturbed in their holding by the Crown, they converted their old Hall into Chambers, and afterwards pulled it down; then, in the 5th of Elizabeth, they, out of their own resources, built their present magnificent Hall, which is still one of the noblest ornaments of the metropolis. In both the Temples the ruinous old buildings which had been left by the Knights Templars and Hospitallers were pulled down, and various new buildings and sets of chambers were erected by the Societies, or by private members, who had leases for lives granted to them as an inducement to build. All this was done by the Templars in reliance on the honour of the Crown that their holdings under it, which had been made valuable by their expenditure upon them, would never be interfered with. But although they were for all practical purposes secure against being disturbed by the Crown, there was danger that the Crown might grant the estate of the Temple to some courtier, just as Henry VIII. had granted the estate of the Convent Garden to the Earl of Bedford. In the reign of James I. some 'Scotchman'* actually attempted to obtain from His Majesty a grant of the fee simple of the Temple, which would have enabled him to avail himself of the improvements which had been made by the lawyers. On this application coming to the knowledge of the Societies, they forthwith made 'humble suit' to the King, and by the influence principally of one of their members, Sir Julius Cæsar, who stood very high in His Majesty's confidence, they obtained a grant, dated 13 Aug., 6 James I., of the property in fee-simple to trustees for themselves and their successors 'for the lodging and entertainment and for the education (*pro hospitatione et educatione*) of the students and professors of the laws residing in the same Inns for ever,' the grantees yielding and paying to the King, his heirs and successors, 10*l.* yearly for the mansion called the Inner Temple, and the same yearly sum for the Middle Temple. It will be observed that this trust is for the benefit of their own members

* 'The Temple Church.' By C. G. Addison. P. 23.

only

only, and not for that of the general public. The two Societies then executed a deed of partition, by which the property was divided and apportioned between them, to be held in severalty for ever. In the year 1673 the two Societies purchased from the Crown the fee-farm rent of 10*l.* a year each, which had been reserved in the grant of James I., and thus became absolute owners of the Temple.

Another great body of apprentices at law and students was established, shortly after A.D. 1310, in an old mansion in what is now called Chancery Lane, where they have ever since continued. This mansion had formerly been inhabited by a religious community, had escheated to the Crown, and been granted by Edward I. to Henry Lacy, Earl of Lincoln, from whom it acquired the name of Lincoln's Inn. Soon after his death a voluntary association of lawyers, which had constituted themselves into an Inn of Court, became lessees of the mansion, and have since been called the Society of Lincoln's Inn. Some of the existing records of this Society reach back to the commencement of the reign of Henry VI. The Bishops of Chichester appear to have been then the owners of the fee-simple of this house, and in the reign of Henry VII. Robert Sherborne, Bishop of Chichester, made a new lease to William Suliarde, a member of the Society, for ninety-nine years, at the yearly rent of 6*l.* 13*s.* 4*d.* Afterwards another Bishop of Chichester, by deed, dated 1st July, 28 Henry VIII., which was subsequently confirmed by the Dean and Chapter, conveyed the inheritance, with other adjoining property, to William and Eustace Suliarde. Eustace was the survivor, and by deed, dated 12th November, 22 Elizabeth, Edward, son and heir of Eustace, in consideration of 520*l.*, conveyed the premises in fee to Richard Kingsmill and the rest of the then Benchers, whereupon a fine was duly levied. Thus the Society of Lincoln's Inn, from having been merely lessees, acquired the fee-simple of their property by purchase out of their own funds.

The remaining Society, called Gray's Inn, was an Inn of Court as early as the reign of Edward III., when they became lessees of the mansion and lands there, which were then the property of Lord Gray, of Wilton, from whom they afterwards, in August, 21 Henry VII., obtained a grant of the fee-simple. The list of Readers of the Inn has been preserved, showing an unbroken succession from the reign of Edward III.

It will be perceived, from this short account of the origin of the Inns of Court, that none of the Societies derived their existence from the State, but all were voluntary associations, which, by purchase out of their own funds, or, in the case of the Temples,

partly by grant from the Crown, became possessed of certain plots of land, on which stood originally decayed buildings of no great value. These plots have since been covered by the Societies with new and beautiful structures, erected at an enormous cost, out of liberal contributions from members of the Society, or out of savings made from the annual dues and payments received from their own members, exclusively.

But although the young gentlemen of England could, under the influence of patriotic feeling, form themselves into voluntary societies for the study of the law in the manner described, they could only be admitted to practise the profession of the law as advocates in the King's Courts by the permission of the Judges presiding there. It was, in fact, with the sanction and by the encouragement of the Judges that the Inns of Court were originally formed. The Judges, as representing the Sovereign in the King's Courts, have an inherent right to decide who shall be heard to plead before them for other persons. In India and all the British Colonies the Judges still call to the Bar. The same was also the case in Ireland. But if there were, as early as the reign of Henry VI., two thousand students in the Inns of Court, it is obvious that the Judges personally would be unable to spare the time and labour necessary to examine into the qualifications of each individual before he was permitted to practise, nor could they bestow on them the education and discipline necessary to make them worthy members of a great profession. But in the Inns of Court the Judges found an organization ready to hand, which they had themselves, before their advancement to the Bench, contributed to form, and with the leading members of which they were necessarily in the most intimate relation. The Judges, therefore, at a very early period, delegated to the governing authorities of each of the four Inns of Court that power of calling to the Bar which they could not efficiently and satisfactorily exercise themselves, and also the correlative power of suspending from practice and disbarring, in case of misconduct; but they reserved the right of an appeal to themselves in every case in which the exercise of their delegated powers by the Benchers should be questioned by any member of the Society who considered himself aggrieved, and they assumed, with the consent of the several Societies, which voluntarily submitted to their jurisdiction, the position of visitors or *quasi* visitors of each Inn. It is impossible to name the exact period when this delegation took place. No historical account has come down to us of the circumstances which attended it, but the fact is incontestable.' Lord Chief Justice Mansfield was correct when he stated that 'all the power they' (*i.e.* the Inns of Court) 'have

'have concerning the admission to the Bar is delegated to them from the Judges, and in every instance their conduct is subject to their control as visitors.'* The Benchers have now exercised their delegated authority for centuries, and it has produced results so satisfactory to public opinion that the English barrister is universally recognised as holding a high social rank, and Parliament has, in its wisdom, thought fit, without the solicitation of the Inns of Court, to make barristers exclusively eligible to many offices and public employments. It is a remarkable fact that the selection by the State of the barrister as the only person whom it would permit to be appointed to certain offices, began long after the professional education of the students by the Inns of Court—which, in the earlier ages, was of a most thorough description—had become wholly neglected, and at a time when every Inn of Court called its members to the Bar without any preliminary instructions to prepare, or any examination to test them. In ancient times the course of instruction to which students were subjected was of the most elaborate kind, and lasted several years. Even at later periods the most distinguished Benchers gave readings in the Halls of their Societies on various branches of the law, particularly on the more important statutes. Sir Thomas Littleton, Sir Edward Coke, and Thomas Williams (Speaker of the House of Commons) gave readings at the Inner Temple, Sir Robert Brooke, Sir James Dyer, and Francis North, afterwards Lord Guildford, at the sister Society, and Sir Francis Bacon at Gray's Inn. At the conclusion of each reading the senior barristers, one after the other, declared their opinions on the subject-matter of the reading, and points were mooted and discussed with profound learning to attentive audiences. But, unfortunately, it became usual for the Readers to give feasts on these occasions, of so expensive a character, that the cost frequently exceeded a thousand pounds, and this gradually led to the discontinuance of the readings themselves. The Judges kept a careful supervision over the whole course of legal instruction, and gave directions from time to time as to what should be done. If the Inns of Court had been corporations, like the ancient municipalities and the Universities and Colleges, and the Judges had been their legal visitors, the orders of the Judges might have been enforced by due course of law, and a Mandamus would have been issuable against any refractory Society. A Mandamus will lie even against a University which has no visitor, as

* Rex *v.* Gray's Inn. 1 Douglas R., 353.

well as against a College which has.* But it has long been well settled that no Mandamus will lie against the Inns of Court, because they are only Voluntary Societies, and not corporations.† The Judges, nevertheless, never had any practical difficulty in enforcing their orders on the Inns of Court, nor have the latter ever refused obedience. If an Inn of Court should do so, the Judges could suspend, and even withdraw from that Inn, its power to call to the Bar, which is only a delegated authority. It is not generally understood that an Inn of Court only calls to the Bar of its own Inn. It is the recognition of the call by the Judges in Court which makes it a call to the English Bar. The Inns of Court, instead of trying to resist the authority of the Judges, have always shown the utmost deference to their directions. There is only one case on record of any disagreement, and that was when Francis North was made Q.C. at an unusually early age, and the Benchers of the Middle Temple, who were then almost all stuff-gownsmen, refused to call him to the Bench of the Inn, notwithstanding an intimation from the Judges that they ought to do so. Roger North‡ has told, in a very amusing way, the easy and effectual mode by which the Judges compelled the Benchers to conform to their wishes.

Besides directions of an informal character which in early times were, when necessary, given by the Judges to the Benchers, the Judges occasionally made written orders of great importance for the observance of the Inns of Court. Dugdale has collected some of them, which date from 3 & 4 Phil. and Mary to 16 Charles II.§ They give various directions as to the keeping of Commons, the readings in Hall, the moots for the instruction of students, the callings to the Bar, the elections to the Bench, and even condescend to such minutiæ as the style of apparel and the length of beards. In the earliest of these orders (3 & 4 Phil. and Mary) we find a direction—'That none attorney shall be admitted into any of the houses, and that in all admissions from henceforth this condition shall be implied.' By an order of the Judges, dated 12 James I., a similar direction is given, which in subsequent orders is reiterated, and in the last of them in a manner so uncomplimentary to the attorneys that we will not venture to quote it.‖ Some of the more important of these

* Rex *v.* Vice-Chancellor of Cambridge. Str., 557. Rex *v.* St. John's College. 4 Mod., 241.

† Rex *v.* Gray's Inn. 1 Doug., 353. Rex *v.* Benchers of Lincoln's Inn. 5 B. and C., 855.

‡ 'Life of Lord Guildford.'

§ 'Origines Juridiciales,' pp. 322-324, 2nd edition, 1671.

‖ Ibid., p. 322.

orders

orders are expressed to have been made with the advice of the Privy Council, and some upon the *consent* of the Readers and Benchers of the four Inns of Court. By an order in 1627 the Judges directed 'that no Reader should have above ten men to attend him during his reading.' This shows a disapproval by the Judges of large classes. It also shows that at that time the number of students must have greatly decreased from what it was in the time of the Plantagenets. By an answer made by the Benchers of Lincoln's Inn to one of the Judges' orders in the reign of Elizabeth, they state that 'almost for this three years there has been no call to the Bar.' * The fact is that the Wars of the Roses extirpated many of the great families whose sons were accustomed, in times of old, to enter at the Inns of Court. Afterwards, during the Reformation, the bent of men's thoughts turned from the study of the law to that of theology. The civil war in the reign of King Charles I. was not favourable to the legal profession, and the Restoration inaugurated a system of careless laxity, which enervated the nation until the Stuarts were expelled. Then Holland and Hanover sent foreigners to reign in England, who were strangers to its jurisprudence, and cared but little either for English Judges or the English Bar. During the dreary period of the Georges no efforts were made by the legal profession to resuscitate the educational system which had once flourished in the Inns of Court, but had then fallen, by neglect, into decay. The Judges themselves acquiesced in the torpor which prevailed, and for many years abstained from giving directions on the subject of legal education, although any interference on their part would have been met by the Benchers with the profoundest deference. But the blame rests not on the Judges only; for there is no trace of any expression of disapproval of this neglect by Parliament or by public opinion. Thus it unfortunately happened that, with the tacit approval and concurrence of the Judges, the Bar, Parliament, and the nation, all attempts on the part of the Inns of Court to prepare young men to be barristers by a good system of legal education was abandoned, and students were left to their own devices to learn their profession as they best could. This they mostly did in the chambers of practising barristers or pleaders. Nothing more was required of them by the Benchers than that they should dine in Hall a certain number of times, and thereby keep the twenty terms necessary for their qualification. This number of terms was afterwards reduced to twelve, first in favour of students from the Universities, and ultimately in favour of all students.

* 'Origines Juridiciales,' p. 316.

But

But in the reign of William IV. the Benchers of the Inner Temple spontaneously inaugurated a new system, by requiring that every person who desired to enter as a student of their Inn should pass a preliminary examination on certain subjects, with the view of showing that he was a gentleman of liberal education. This has since been followed, and is now observed by all the Inns. The Benchers of the Inner Temple also, in the year 1833, instituted two lectureships; but, although the lecturers were eminent lawyers, the attendance was so small that the experiment failed. Both the Temples then co-operated in establishing a system of legal education, and the Inner Temple established a lectureship on Common Law, and had voluntary examinations at which prizes were given. The Middle Temple established, at the same time, a lectureship on Jurisprudence and the Civil Law. In 1846 the House of Commons appointed a Select Committee to inquire into the state of legal education in Ireland, where the barristers and attorneys were educated at the King's Inns together, and the powers of such Committee were afterwards extended to England also, where education was given separately to each branch of the profession. Sir Thomas Wilde, Daniel O'Connell, and Spencer Walpole served on this Committee. They took a vast body of evidence, and in August 1846 issued their Report, which is the most profound and valuable contribution ever yet made to the cause of legal education. We have not space to quote from the Report, which relates to the education of solicitors as well as of barristers. They reported decidedly against a system of education common to both branches, which they thought, even if the Bar would accept it, would lead 'to unsatisfactory results.'* They disapproved of the admission of solicitors to the Inns of Court, as strongly as the English Judges had before done in their orders. This Report for the first time made the suggestion that the four Inns of Court should form, for all purposes of instruction, 'a sort of aggregate of colleges, or, in other words, a species of Law University.'† The present Council of Legal Education is in substance exactly such a 'Caput' as is recommended in this Report.‡ The Report gives an unqualified condemnation of the proposal to transfer legal education from the Inns of Court to any voluntary society like the Law Institute, which had been tried experimentally in Ireland.§ From this Report it appears that the state of legal education in Scotland was, at the time when the Report was made, quite as defective as it was in England or

* Report from the Select Committee on Legal Education. Ordered by the House of Commons to be printed, 25th August 1846, p. liii.

† 'Report of 1846,' p. lix. ‡ Ibid., p. lx. § Ibid., p. lii.

Ireland.

Ireland. The modern Scotch system is therefore quite recent, and can be considered at present as experimental only.

Shortly after this Report had been made, Gray's Inn established a lectureship followed by voluntary examinations, in which the students were classed according to merit, and 'moots' were revived. In 1851 Sir Richard Bethell, Solicitor-General, who was always most earnest in the cause of legal education, caused a meeting of the Benchers of the four Inns of Court to be convened on that subject, and this resulted in the establishment of the Council of Legal Education, which, as originally constituted, consisted of two Benchers only from each Inn. The Council, out of funds supplied by the Inns and from the contributions of students, founded several readerships and lectureships, and students were encouraged to exert themselves by studentships of fifty guineas each. Attendance on the lectures and classes was made compulsory, except in the case of students who chose to submit themselves to a voluntary examination. But the blunder was made of omitting to make examinations compulsory before a call to the Bar. It is remarkable that this resuscitation of a system of legal education for their students was not imposed on the Inns of Court under the orders of the Judges, who might at any time have required it, but was the spontaneous act of the Benchers.

Before the new system thus commenced in 1851 had had time, by a process of natural growth, to develop itself, the Crown, at the instance of the Houses of Parliament, issued a Commission in May 1854 to inquire, amongst other things, 'into the arrangements of the Inns of Court, and also those of the Inns of Chancery, for promoting the study of law and jurisprudence;' and in August 1855 the Commissioners made their Report to the Houses of Parliament, whereby they stated, shortly, the origin of the several Inns of Court and the trust which attached to the property of the Temples: but with respect to Lincoln's Inn and Gray's Inn they stated as follows:—'The property of these Inns appears to have been acquired by purchase, made by the members of the Inn, nor is there a trace of its being held upon any trust.' They then gave a detailed statement as to the income and outgoings of the several Inns and other matters; they also, for cogent reasons which nobody now disputes, expressed themselves in favour of the establishment of examinations, the passing of which should be requisite for the call to the Bar. They also recommended 'that the four Inns of Court should be united in one University for the purpose of these examinations and of conferring degrees,' and they gave the heads of a 'Scheme' which they proposed for that purpose, and according to which none but

but members of the four Inns of Court and of Serjeants' Inn were to be members of the Senate. They also recommended a course of instruction for students, which has since been adopted substantially by the Council of Legal Education and is now in full force. In this Report the Solicitors' Inns, called Inns of Chancery, are almost totally disregarded, and are cast aside in a few paragraphs, like so much dead wood, though, by the Commission, the Commissioners were directed to inquire into the arrangements of the Inns of Chancery, just as much as into those of the Inns of Court. One great defect in this Report of the Commissioners is too remarkable to be passed over. It is unaccountably silent as to the important relations existing between the Inns of Court and the Judges with reference to calls to the Bar, and it ignores the fact that the Judges had for so many centuries been accustomed to superintend the education given by the Inns to their students, and to make orders for its regulation. One of the witnesses examined before the Royal Commissioners was Mr. Cairns (now the Lord Chancellor), and he gave it as his opinion that the larger the reading in jurisprudence, which those preparing for the Bar should be led to adopt, the greater would be the advantage; but at the same time he thought that students for the Bar should spend at least two years in the chambers of a practising barrister; that their compulsory attendance on lectures in London, so far as it withdrew them from chambers, would be inconvenient and injurious, and that such attendance should be optional. He even thought that the establishment of lucrative studentships might be disadvantageous, by drawing students off from chamber work to a 'sort of second college education.' He thought that when the general education of a young man was finished, and he devoted himself to the profession of the law and entered into a course of study for that purpose, that course of study should be exclusively special, and that he should have nothing to distract his attention while he was in the chambers of a barrister during two years at the least. He was decidedly in favour of compulsory examination before admission to the Bar, but he would at the same time allow a legal degree at one of the Universities to be made a substitution for such examination.

The two great points of any moment brought out by the Commissioners' Report were, first, Whether there should be a compulsory examination before a call to the Bar? and secondly, Whether the body to be constituted out of the Inns of Court to superintend legal education should be a new corporate body empowered to grant degrees? 'On the latter question we will say a few' words presently. The first question was, shortly after

after the Report, brought before the Benchers of the several Societies, and all of them, with the exception of Lincoln's Inn, were in favour of a compulsory examination, and some of them passed, in the first instance, a resolution to that effect. But the Benchers of Lincoln's Inn, on the 15th of November, 1859, came to a contrary conclusion, and the other Inns then withdrew from an attempt which could not be successful unless all concurred. It cannot be alleged that the great opponents of compulsory examination were a parcel of bigoted Tories, for some of them were leading members of the Liberal party,—such as Dr. Lushington, Mr. Roebuck, and others. In the year 1863 Lord Cairns, then one of the Benchers of Lincoln's Inn, succeeded after a sharp struggle in gaining, by a majority of one vote only, the assent of Lincoln's Inn to the project of establishing a Legal University which should grant degrees, as proposed by the Royal Commissioners, and to which the Inns of Court might be affiliated. This proposal did not, however, present such attractions to the Benchers of the other Inns as to command their immediate approval, but the representation that something more was necessary to be done for legal education than was then being done, induced all the Inns of Court to join in taking concurrent action on the subject, and the several Societies passed resolutions to effect that purpose. In fact, as early as 1861, and before Lord Cairns moved in the matter, the four Inns of Court had appointed a Joint Committee to consider the subject of legal education, and, on the 1st of July 1861, an elaborate Report was made, which was signed by Lord Westbury as chairman. There were frequent communications between the several societies on the subject, and some difference on matters of detail. But on the 6th of July 1863, there was another Report of the Committee of the four Inns, which was signed by Lord Justice Turner, and on the basis of the labours of this Joint Committee, a body of 'Consolidated Regulations' of the four Inns of Court was ultimately made and agreed to. Under these regulations, additional readerships, making six in all, were established, with increased emoluments. Voluntary, but not compulsory, examinations of students were also instituted. Several studentships, of fifty guineas and twenty-five guineas a year, were also founded. Although this new scheme was, as we consider, defective by not making examinations compulsory, it was nevertheless a great step in advance, and was an earnest of the more comprehensive and perfect scheme which has since followed.

But before narrating the subsequent and successful efforts of the Inns of Court, we must direct attention for a short time to

to the other branch of the legal profession, namely, that of the Solicitors and Attorneys. Before the Statute 13 Edward I. c. 10, suitors could not appear in Court by attorney without the King's special warrant, but were compelled to appear in person. The authority given by that statute had the effect of forming the attorneys into a regular body of practitioners; and their number soon so greatly increased, that several statutes and rules of court for their regulation, and for limiting their numbers, were passed in the reigns of Henry IV., Henry VI., and Elizabeth. There has since been a series of Acts of Parliament on the same subject; and the Acts which now regulate them are those passed in 1843, 1860, and 1874. The attorney is, and always must be, 'an officer of the court' in which he practises, and he therefore has not the same independence as the barrister. But the attorney is permitted to recover his fees by an action, which a barrister is not; and, unlike a barrister, he is liable to his client for neglect of duty. In case of misconduct, he may be called upon summarily to answer in Court 'the matters in the affidavit' made against him. If he commit a fraud, the Court itself will order him to be struck off the Rolls. The attorneys and solicitors were once allowed to hold chambers and keep commons in the Inns of Court, but the Judges disapproved of it; and the Inns of Chancery have always been their special domain. Some centuries ago, students for the Bar, before being permitted to enter an Inn of Court, were required to undergo a preparatory training in one of the Inns of Chancery along with the attorneys; and the Benchers of the Inns of Court provided the necessary Readers for students in those inns. Of the Inns of Chancery, two, namely, Furnival's Inn and Thavies' Inn, belonged to Lincoln's Inn; four, namely, Clifford's Inn, Clement's Inn, New Inn, and Lyon's Inn, belonged to the Temples; and two more, namely, Staple's Inn and Barnard's Inn, belonged to Gray's Inn. These Inns of Chancery were governed by their own Ancients, just as the Inns of Court are governed by their Benchers; but there was one serious defect in their constitution, for, being purely voluntary societies, no effectual control over them could be enforced by anyone.* The Benchers of the Inns of Court to which they belonged, exercised over them in former times a sort of paramount authority. This the Inns of Chancery submitted to so long as they pleased; but they have all, one after the other, long since emancipated themselves from it, because there were no means, direct or indirect, of com-

* Rex *v.* Barnard's Inn, 5 Adolphus and Ellis, p. 17.

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pelling obedience. It is different with the Inns of Court, which are also voluntary societies; for, if the Judges issued orders to them, they could, in case of resistance, enforce compliance, by their power of withdrawing or suspending the delegated right of calling to the Bar. But the Benchers had no power whatever of enforcing any regulations made by them for the Inns of Chancery. Nevertheless, the Judges used their best efforts, though without avail, to maintain the jurisdiction and control of the Benchers over such inns. With this view the Lord Keeper and the Judges, by command of the Privy Council, made a series of orders, dated 15th April, 6 Car. I. (A.D. 1630). The first commences as follows:—'That the Inns of Chancery shall hold their government subordinate to the Benchers of the Inns of Court unto which they belong.'* Then followed a threat in case of disobedience, which was found incapable of being put in force.

In 1704 the Judges relaxed the strictness of the directions whereby the Inns of Court were prohibited from admitting attorneys as members; and it was directed 'that all attorneys should procure themselves to be admitted into one of the Inns of Court (if those Honourable Societies would admit them), or into one of the Inns of Chancery.'† Such orders, however, were easier made than enforced. The Inns of Chancery being only voluntary societies, could disregard all orders which had not their own approval. Every such Inn has therefore become in course of time a close little clique of solicitors, which has withdrawn itself altogether from training young men in the knowledge of law. Lyon's Inn has lately been sold by the members, the proceeds divided among themselves, and the inn pulled down. No attempt has for centuries been made by the solicitors constituting the governing bodies of the Inns of Chancery to make themselves auxiliary to the purposes of legal education. If Readers were sent to them from the Inns of Court, their services were either declined, or if accepted, then the only persons who were admitted to the course of instruction were the members of the Inn themselves. Readings in the Inns of Chancery having thus become as great a farce as Dean Swift's address in church to his 'Dearly beloved Roger,' they have been discontinued. But the Inner Temple still appoints Readers, and annually tenders their names to Clement's Inn, without any practical result.

Nothing can be greater than the contrast offered by the Inns of Court, consisting of barristers, and the Inns of Chancery, consisting

* 'Origines Juridiciales,' p. 320. † 5 Adolphus and Ellis' Reports, p. 17.

sisting of solicitors, in respect to legal education. The Inns of Court, whenever required by the Judges or by public opinion to make fresh efforts in its favour, have always done so with conscientious energy; but the Inns of Chancery have withdrawn themselves altogether from the work for the furtherance of which their Societies were established, and have thrown off the jurisdiction to which they were intended to be subordinate. They have succeeded in maintaining their right to exclude and their practice of excluding. But the Inns of Court, on the other hand, when it was decided in Wooller's Case, that on the ground of their being voluntary societies, the Judges had no jurisdiction, as visitors, to entertain an appeal from a person who had applied to be admitted to an Inn of Court as a student, and been refused,* immediately took steps to place themselves in that respect under the jurisdiction of the Judges. There was at once a meeting of all the Inns of Court, and they agreed that jurisdiction should be given to the Judges, if they would assume it, in the nature of an appeal upon non-admission to the Inns of Court, and the Judges agreed to take it.†

The complaint which may, with more or less justice, be brought against the Ancients of the Inns of Chancery, cannot, however, be made in modern times against the great body of solicitors. In the year 1827 they established themselves, under Charter from the Crown, into a society called 'The Incorporated Law Society,' and the Council of that body have ever since had the regulation and control of the legal education of articled clerks, and they have, by establishing lectures and instituting, under the authority of an Act of Parliament, compulsory examinations, provided for the instruction of candidates who desire to be admitted on the Roll of Attorneys, and for ascertaining their competency in point of legal knowledge. No complaint has, to our knowledge, been made of neglect of duty on the part of the eminent men who constitute this Council, and the course of legal education which has, under their auspices, been established for the solicitors, has been one which has given general satisfaction and been rewarded by remarkable success.

But the course of improvement in which both branches of the profession were thus engaged was not enough to content certain uneasy provincial solicitors, who, in an age when everything established is liable to be brought in question, and the maxim 'Whatever is is wrong' has many admirers, cast hungry glances on the rich possessions of the Inns of Court, and became

* Rex *v.* Benchers of Lincoln's Inn, 5 B. and C., 855.

† Per Baron Rolfe. Report of Hayward's Case. London, 1848. P. 95.

desirous

desirous of asserting a claim to participate in them. Exclusion from a share in the property of the Inns of Court, which consists almost entirely of barristers' chambers, was not the only circumstance felt or imagined by them to be a grievance. The higher social position of the Bar in the estimation of the public filled them with indignation. In the republic of the United States, and in the British Colonies, the professions of the barrister and solicitor are not separate, but may be conjoined in the same person. In a large territory with a sparse population it is hardly possible that it should be otherwise; for the persons versed in law are too few and widely scattered to enable a division of labour to be effected with advantage. The lawyer, whether barrister or attorney, must be prepared to see the client personally, to collect and prepare the materials for his case, to introduce and conduct the case in court, and to carry it through every stage from its inception to its end. But in a more civilised and populous community the experience of centuries has proved that it is better that the attorneys, who form the administrative branch of the legal profession, shall prepare out of court the case which the barristers shall argue in it. This involves a distinction of ranks, and public opinion has given the superiority to one branch over the other,—a result not incongruous in a monarchy. There is in this country a gradation of ranks, which is not confined to the legal profession, and its existence is a subject of congratulation to the public at large, which would otherwise groan under the unmitigated nuisance of a plutocracy. But the opulent and influential country solicitor, who has generally succeeded to a business ready made for him by his predecessors, and holds in his repositories the title-deeds of half the landed gentry of his county and has a warm balance at his bankers, is apt to feel annoyance at seeing a young barrister from London, who has just joined the circuit with a few guineas in his pocket, take precedence over him, and receive superior manifestations of respect, on the ground merely of his belonging to a class which holds a great place in public estimation. It is a further annoyance that such a class should be exclusively eligible to the great prizes of the law, those dignified and lucrative judicial offices to which the solicitors have never yet been admitted. As early as the year 1846 an active-minded London solicitor, the late Mr. Edwin Wilkins Field, who was proud of his descent from the family of Cromwell, and had no aversion to any innovation which smacked of republicanism, read a paper at the annual meeting of the Metropolitan and Provincial Law Association, in which he inveighed against the exclusion of the attorney from the bar,

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and contrasted England with the United States, in which every lawyer may plead in court and address the jury, and be raised by popular election to the Bench.* A topic like this was well adapted to meet with a response in the minds of the provincial solicitors, for whom Mr. Field's firm acted extensively as London agents. In 1868, Sir James Hannan, who had just been made a Judge, presided at the Annual Meeting of the Solicitors' Benevolent Association; and in the course of an impromptu after-dinner speech he used some complimentary expressions towards the solicitors by expressing a wish that the two branches of the profession should be more intimately connected. His words were seized upon with avidity, and a construction has been given to them that must have surprised the speaker. On the 25th of September in the same year, the Leeds Law Society, and some deputations from Law Societies of Liverpool, Manchester, and other towns, held a meeting at Leeds to consider Mr. Justice Hannan's remarks 'on the subject of the *amalgamation* of the two branches of the profession;' and on the motion of Mr. Jevons (of Liverpool), seconded by Mr. T. Marshall (of Leeds), the resolution was passed—'That this Meeting is of opinion that the time has come when provision should be made for the foundation of a Law University, which should be open to both branches of the profession without distinction, and that the means of providing an institution already exist in the funds at the disposal of the Inns of Court and Inns of Chancery, which were originally common to both branches of the profession.' How these gentlemen, in the teeth of the historical facts on the subject, make out the last assertion, so far as the Inns of Court are concerned, we are not aware; but they addressed a willing audience, not too fastidious about accuracy. On the 5th of February, 1869, a meeting was held at the Incorporated Law Society of an associated Committee of the Council of that body, and of the Metropolitan and Provincial Law Association, which was attended by a deputation from the Leeds Conference, and a series of Resolutions was passed by the Associated Committee, which are too lengthy to be set forth fully; but it was resolved that 'the regulation as to admission to the Bar should be placed under Act of Parliament;' also, 'That it is not right that the Benchers of the Inns of Court should have the uncontrolled power of making rules which may place attorneys in a position more restricted than the rest of the public as to the right of admission to the Bar;' also, 'That the establishments of the Inns of Court and Inns of

* Law Mag., February 1872, p. 89.

Chancery

Chancery should be, under legal control, made subservient to purposes of Legal Education.' They also resolved that the rate of remuneration for barristers 'should be governed by fixed tariffs.' This sufficiently shows the objects aimed at: a Bar regulated like the attorneys, by Act of Parliament, and to be remunerated in the same manner; interference with the Inns of Court and their internal management; the assertion of a right on the part of the attorneys to become barristers, free from regulations imposed by the Benchers; and the appropriation of the property of the Inns of Court for the education of attorneys as well as barristers. These Resolutions were not, however, carried without opposition on the part of some solicitors, who looked with disdain on the whole project. The main body of the eminent London solicitors, and not a few throughout the country, held aloof from this movement, and condemned with unequivocal distinctness all attacks on the Inns of Court and all aggressions against the Bar. They still continue to do so. But on this subject 'the tail has outvoted the head,' and the preponderance of the general body has manifestly gone in the other direction. One great difficulty was to find a good leader for this new movement. At last the sorrowful sighings of aggrieved opulence and the murmurs of repressed provincial self-consequence found sympathy in a quarter where it might have been least expected. In the year 1870 Sir Roundell Palmer, a Bencher of Lincoln's Inn, consented to become President of an Association got up originally by the solicitors who favoured the Resolutions of February 1869, and to which, under the favourable auspices of Sir R. Palmer, a few barristers also united themselves. They assumed the title of the 'Legal Education Association.' The then Attorney-General (Sir Robert Collier) and the Solicitor-General (Sir J. D. Coleridge) became members of the Council of this Association, but without, as we believe, the slightest suspicion that there were any ulterior intentions of the kind which have since been developed. The first Circular or 'List,' sent round to the legal profession on the 7th of May 1870, includes in the Council of this Association the names of seventeen Queen's Counsel only out of the 170 which then constituted their number. There was also a sprinkling of members of the Junior Bar, out of the 5000 persons of whom the Bar then consisted; there were also twenty-one solicitors and one or two gentlemen who are not members of the legal profession at all. In July 1870, a meeting of the profession was convened at Lincoln's Inn Hall, at which the Association was formally constituted. The principal object of this Association, as announced in their Circular,

Circular, was 'a system of common education for both branches of the profession.' This is exactly what had been expressly condemned by the Report of the Committee of the House of Commons in 1846,* and it had received no approval from the Royal Commissioners in 1855. No hint was given in this Circular of any intention to attempt an interference by the State with the property of the Inns of Court or with their internal government. On those important subjects there was entire reticence.

We have not space to give the history of this Association. The real object of its leading projectors was at first so little suspected that a few distinguished Judges and members of the Bar joined it, who subsequently, when better informed, thought proper to withdraw. Even the venerable Lord St. Leonards sent a contribution to its funds, of three hundred guineas, which has not yet been returned to him. We have not heard that Sir Roundell Palmer, before inaugurating this association of barristers, solicitors, and laymen, for the supposed improvement of legal education by taking it out of the hands of the Inns of Court, made any effort whatever to persuade his brother Benchers of Lincoln's Inn or the Benchers of the other Inns to reconsider the whole matter of legal education, and co-operate with him in any project for its real improvement. To most minds this would seem the proper step which should have been first taken by anyone who was himself a Bencher. When Lord Cairns proposed a great change, he began to work inside his own Inn of Court, in a spirit of loyalty to the Society to which he belonged: he preferred that course to the more objectionable one of working from the outside, and trying by external pressure to force upon his own and the other Inns of Court fundamental changes. But the profound respect felt by the Inns of Court for Sir R. Palmer's personal character prevented the Benchers from running blindfold against what the Association proposed. On the contrary, they, with sound practical good sense, set to work at once to rectify everything which required alteration, and to establish, on a grander scale and with more liberal endowments than before, a system of legal education for the Bar, and to compel every student, before being called to the Bar, to pass an examination proving his legal proficiency.

In 1870-71 the four Inns of Court appointed a Joint Committee to consider the whole subject of legal education. This Committee, besides carefully considering and discussing the subject among themselves, received Sir Roundell Palmer, with a deputa-

* P. lii.

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tion of the Legal Education Association, on the 25th of April 1871, and listened attentively to his explanation of the views expressed in the Association's printed Proposals. The only practical advantage of this interview was, that the Committee saw, in the deputation which accompanied Sir Roundell Palmer, a sample of the men proposed to supersede in their functions such of themselves as were members of the Council of Legal Education: it is sufficient to say that they were able to look upon them without alarm. By their printed Proposals, the Legal Education Association proposed to establish a Legal University, to make both barristers and solicitors pass compulsory examinations (which is now done), and to enable the new University to confer 'degrees in law,' but not to confer the status of attorney or barrister. On the establishment of this 'Legal University,' the functions of the Council of Legal Education were to cease, and the fees of students and the contributions of the Inns of Court were to form the academical fund to defray the expenses of the new body. The effect, in short, would have been to take from the Inns of Court the teaching of their own students, and to commence a system which would speedily reduce the Benchers of each Inn to the condition of mere Building and Dining Committees. Their end would not then be far distant. The Degrees in Law which such an University might grant would never shed around the head of a barrister a halo equal to the light of a farthing candle; but such a Degree would enable the solicitor who obtained it to say to the barrister, 'I am a Master in Law as well as you, and I ought therefore to be equally allowed to conduct cases in Court.'

On the 22nd of June 1871, the Joint Committee made their Report to the four Inns of Court, in which they stated that in their opinion 'it is not desirable that the education of students for the Bar and the education of the articled clerks of solicitors and attorneys should be under one joint system of management;' but they recommended a compulsory examination of students before they should be called to the Bar, and that this should be done through the instrumentality of the Council of Legal Education.

Sir Roundell Palmer, after a compulsory examination had been thus approved, moved, in July 1871, certain resolutions in the House of Commons, in favour of the establishment of a 'General School of Law,' but with no practical result beyond eliciting from Sir George Jessel (now Master of the Rolls) a brilliant refutation of his whole project, in a speech which has never been satisfactorily answered.*

* Hansard, vol. 208, p. 239.

On the 6th of December 1871, the Joint Committee of the four Inns made a Second Report repeating their recommendation of a compulsory examination, and advising that the Council of Legal Education should be strengthened, by its numbers being increased to twenty Benchers, with whom should be, for the future, the appointment of readers and examiners, whose remuneration should be increased by the contributions of the several Societies.

The recommendations of the Joint Committee having been approved by all the Inns of Court, the number of the Council of Legal Education was increased accordingly, and the additional powers recommended were given to them.*

On the 22nd of February 1872, the newly constituted Council of Legal Education held their first meeting, under the auspices of that veteran law reformer Lord Westbury, who took the chair and addressed the meeting at some length. The Council immediately set to work; but before they had had time to perfect anything, Sir Roundell Palmer again, on the 1st of March 1872, moved a resolution in the House of Commons in favour of a General School of Law for the instruction of Students 'intending to practise in *any branch* of the Legal Profession.' In that speech he gave the first intimation of meditating any aggression on the property of the Inns of Court, if those Inns should continue to prefer their own opinions to his; and he uttered a threat on the subject, which elicited a prompt and well-deserved remonstrance from the present Attorney-General, Sir Richard Baggallay.† The then Attorney-General (Sir J. D. Coleridge) and the Solicitor-General (Sir George Jessel) spoke and voted against the resolution.‡ Mr. Gregory and Mr. Leeman, both eminent

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* The Council, when thus constituted, comprised twenty leading men of both political parties without distinction, including several members of the Legal Education Association.

† Hansard, vol. 2091, p. 1260.

‡ The former, desirous of dispelling the ignorance which exists among the general public on such subjects, condescended to explain to the House that the money at the disposal of the Benchers was not expended in providing themselves with unnecessary luxuries, and that so far as his Inn (the Middle Temple) was concerned, and he believed the same remark applied to the other Inns, 'not a single sixpence was lost to the funds of the Inn by the dinners which the Benchers eat.' We have before us a return on that subject, as to the state of affairs at the Inner Temple for the ten years from 1861 to 1871, carefully made out a few years since by the Sub-Treasurer. It shows that the sums received during those ten years from the Benchers for fees on calls to the Bench, were 17,435*l.*, and for commons and dues, 3245*l.* 7*s.* 7*d.*, making a total of 20,680*l.* 7*s.* 7*d.* The cost of the Bench table during the same period, including wine, beer, dessert, tea and coffee, and *the entertainment of all visitors*, was 7888*l.* 10*s.*, making a balance in favour of the Society of 12,791*l.* 17*s.* 7*d.* It is true that a few of the senior Benchers have chambers. But they belonged to the Bench as early as the reign of Elizabeth, and not a single Bench chamber has since been added.—*Royal Commissioners' Report*, p. 7.

solicitors,

solicitors, also spoke against the resolution, which was negatived on the division by a majority of 13.

The Council of Legal Education have, since this debate, settled an elaborate SCHEME for the Legal Education of the Bar, which they have subsequently extended and improved, and against which, as it now stands, nothing important can be urged, except that it applies to the Bar only. Everything has been established on the most liberal scale. There are five Professors, with fixed salaries, varying from 600 to 400 guineas a-year, according to whether, in addition to lecturing, private classes are taken. To this are added fees from students who attend. There are also eight tutors, with fixed salaries of 300 guineas, besides students' fees. There are also six examiners, with salaries of 120 guineas each. A dozen studentships, of 100 guineas each, have also been established, for the encouragement of merit. In the course of the year ending in January 1874, the income of the Council amounted to nearly 8000*l.*, of which less than 2000*l.* arose from students' fees, and the remainder from contributions of the Inns of Court.

In consequence of the urgent representations of Lord Westbury as to the inutility of pompous lectures to large classes, in which the Professor too often displays his own erudition, and the students learn little or nothing of any value, the main business of teaching is, under this scheme, placed in the hands of the tutors, who teach private classes, and whose numbers will be augmented as the number of the students who attend increases. The subjects on which instruction is afforded are—Jurisprudence; International Law, public and private; Roman Civil Law; Constitutional Law and Legal History; Common Law; Equity; the Law of Real Property; and Criminal Law. It is expressly provided by this Scheme that no person shall receive from the Council the certificate of fitness for call to the Bar now required by the Inns of Court, unless he shall have passed a satisfactory examination in the following subjects, viz., 1st. Roman Civil Law; 2ndly. The Law of Real and Personal Property; and 3rdly. Common Law and Equity. This is a requisition of greater stringency than was recommended by the Royal Commissioners.* The Council of Legal Education, which have, since the death of Lord Westbury, had the Right Honourable Spencer Walpole for President, are continuing, with unabated diligence, to watch over and direct the course of legal education; and, unless the two branches of the profession are to be blended into one, they fully and per-

* Report, p. 18.

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fectly answer all that can in reason be required. But there will, for the reasons given by Lord Cairns in his evidence already quoted, be always some difficulty in any institution for teaching law attaining great success.

It has, however, been objected to the educational system thus established that, although it may be very well at present, yet it lacks the element of permanence, because there is no security that one of the four Inns may not, at any time, withdraw itself from further connection with the Council of Legal Education, and thus break up the whole arrangement. This objection rests, however, on no just foundation, for it assumes a moral impossibility. The Benchers of the Inns of Court have never once, during five centuries, exhibited such a gross act of indiscretion as this objection assumes may be a possible contingency. Even if any Inn of Court should do so, there would at once be an appeal on the subject to the Judges, either from members of the Inn which withdrew, or from the other Inns affected by such a breach of faith, and the Judges would have full power to rectify the mischief by an intimation to the offending Inn that until it again united with the other Inns in the system established by the Council of Legal Education, its power to call to the Bar should be suspended. The Judges, therefore, have the matter in their own hands, and the remedy, if applied, would be irresistible.

Nothing, however, which has been or can be done on the principle of maintaining the existing separation of the two branches of the profession, will ever be satisfactory to the assailants of the Inns of Court; and when, towards the close of Mr. Gladstone's Government, Sir Roundell Palmer became Lord Chancellor Selborne, there was a general expectation that something would be attempted by him in his official capacity to further both the avowed and the undisclosed objects of his Association. Nor was this expectation disappointed, for, just before the General Election of 1874, he caused to be prepared and printed the draft of a 'Bill to incorporate the Inns of Court and to establish a General School of Law.' This Draft Bill was sent to the four Inns of Court, whose opinions were invited on the subject, and to the Incorporated Law Society. It also found its way to certain obscure Provincial Associations of Solicitors throughout the country. The General Election, however, took place immediately afterwards, and the Gladstone Government, which had attacked and harassed every class in the community, came to an end. The British nation would endure it no longer.

This Draft Bill proposed to embrace in one single measure the two objects which are now kept separate in the two Bills since introduced by Lord Selborne into Parliament. Under the

the provisions contained in Part I., the four Inns of Court, without their having solicited anything of the kind, were each to be made 'one body politic or corporate,' and were, as corporations, to exercise similar functions to those which they have exercised for five centuries without feeling any want of a more formal organization. The Benchers of each Inn were to be gradually reduced to half only of their present number, and the members of the Bench were to be elected by the Barristers of five years' standing. Such an election would certainly be a more lively affair than the present mode of election by the Benchers, especially if the canvass were a severe one. We doubt, however, whether in practice it would be found eminently conducive to the discipline of the Bar, over whom the Benchers have to exercise a very delicate jurisdiction. The management of their own property was graciously to be left to the several Societies, and they were to be permitted to pay out of it the current expenses of their establishments, and to erect new buildings and improve the old; but, subject to these privileges, it was proposed to be enacted that 'all the *surplus* or residue of the funds and income of the Corporation shall be *appropriated*, and from time to time applied for or in aid of the purposes and objects of the General School of Law established by this Act.'

Who can explain to us the difference between 'confiscation' and 'appropriation' in such a clause as this? The clause is absurd in itself: for it does not say who is to decide upon what is or is not 'surplus;' whether the General School of Law, which is to receive it, or the Inns of Court, which are to pay it over. At present the chambers which constitute the property of each Society are let to its own members at about twenty per cent. under the rent at which they could be let if offered to the general public. If the 'surplus' were to belong to some stranger Institution, it would be necessary to raise these rents to rack-rents. On the other hand, the Benchers, by lowering the rents, might always prevent the existence of any 'surplus.' If anything could conciliate a body of Lawyers to the proposed change, it would be the delightful prospect of the ceaseless litigation which such a provision would make certain. By this proposed 'appropriation' of the 'surplus,' the threat uttered by Sir Roundell Palmer in the House of Commons was intended to be made effectual. By Part II., a new corporation was to be established, under the title of 'The Queen's General School of Law,' and it was to be governed by the Lord Chancellor as President, and a Senate of thirty-eight persons. All Barristers and Solicitors of three years' standing were to be members of this General School. It was not proposed that the State should contribute one farthing

to

to its endowments, but the Crown was to nominate ten members of its Senate, in addition to twelve *ex officio* members named in the Bill: of the remaining sixteen, *six* only were to be elected by Barristers, and *ten* by Solicitors.

Notwithstanding the fall of the Gladstone Government, the Benchers, who had been invited by Lord Selborne to give their opinion on his Draft Bill, proceeded to do so, and the Benchers of each Inn appointed members of a Joint Committee of the four Inns to consider the subject together. This Committee met, and took Lord Selborne's Draft Bill into careful consideration. There were twenty-one Benchers present on that occasion, including men of all political parties. After careful consideration and debate, a Resolution was passed *unanimously* in the following terms:—

'At a meeting of the Joint Committee of the four Inns of Court, appointed by orders of the several Societies to consider Lord Selborne's "Inns of Court and School of Law Bill, 1874," held at Lincoln's Inn on the 4th day of March, 1874, present:—The Treasurer of Lincoln's Inn (Right Hon. Lord Justice James) in the Chair; the Treasurer of the Inner Temple (Henry W. Cole, Esq.); the Treasurer of the Middle Temple (John R. Kenyon, Esq.); the Right Hon. Sir George Jessel (M. R.); the Right Hon. Thomas E. Headlam; the Hon. Sir Richard Malins (V.-C.); the Hon. Sir James Bacon (V.-C.); Sir John B. Karslake (Attorney-General), M.P.; John Arthur Roebuck, Esq., M.P.; Brent Spencer Follett, Esq.; Edmund Beckett Denison, Esq.; Charles S. Whitmore, Esq.; John Locke, Esq., M.P.; Henry Manisty, Esq.; Thomas Webb Greene, Esq.; Archibald J. Stephens, Esq., LL.D.; Joseph Brown, Esq.; James Dickinson, Esq.; Henry Cotton, Esq.; Sir Thomas E. May;—it was moved by the Vice-Chancellor Malins, and seconded by Mr. Roebuck, and *resolved unanimously*:—"That this Joint Committee disapproves of the Draft Bill sent to the Inns of Court by the late Lord Chancellor; and recommends that this Resolution be communicated to the Lord Chancellor and Lord Selborne.

'"(Signed) W. M. James,
'"*Chairman.*"'

This Resolution having been reported to the four Inns, each of them separately confirmed it by a resolution of approval, which we believe was in every case *unanimous*.

Shortly before this important Resolution was passed, it was confidently asserted in the 'Times,' in a leading article generally supposed to have received its inspiration from a source remarkable for accuracy of statement, that it was the intention of the new Lord Chancellor, Lord Cairns, 'to attack the Benchers.' That statement was contradicted in the 'Standard,' and the then Attorney-General, Sir John Karslake, who attended the

the meeting of the Joint Committee, joined as heartily as any of his colleagues in condemning Lord Selborne's Draft Bill.

We believe that we have good grounds for asserting that Lord Selborne's Draft Bill never received the approval of the Cabinet of which he was a member. But he has since, in his private capacity, renewed 'the attack on the Benchers,' which the 'Times' incorrectly represented as intended by Lord Cairns. At the end of last session he introduced into the House of Lords two Bills: the first corresponded in substance with Part I. of his original Draft Bill, and is 'for incorporating the Inns of Court, and for providing for the future administration of their affairs;' the other corresponds with Part II., and is 'for establishing a General School of Law in England.' In this school the barristers and attorneys are to be educated together.

On the 10th of July last, these Bills were formally read for the first time in the House of Lords; but three Law Lords only took part in the debate. Never before was a great measure introduced into Parliament by a speech so flimsy in its texture as that of Lord Selborne, but this flimsiness was, no doubt, intentional. A more thorough explanation of the subject would have induced other hearers than Law Lords to have directed their attention to the subject and to have mastered its principles; but this would have provoked opposition. Lord Selborne in his speech stated that the Inns of Court could be traced back to a Royal Commission issued in the reign of King Edward I. But as they did not take their origin from this Commission, such mention of it might mislead unlearned persons. He then referred to the Report of the Royal Commissioners appointed in 1854; but he omitted to mention that the Commissioners were appointed to inquire just as much into the arrangements of the Inns of Chancery as of the Inns of Court. He then 'ventured with confidence' to say that the Inns of Court 'discharged public functions.' But what public functions have they ever discharged, except that of calling their own students to the Bar of their respective Inns, as delegates or agents of the Judges, whose names were quietly passed over in silence? Lord Selborne, in another part of his speech, made the bold assertion that the Inns of Court '*hold* their property solely for public purposes.' By what process of reasoning, or by what historical facts, his lordship makes that out, he did not condescend to explain. We hesitate not to give the statement the broadest contradiction, and to affirm that the Inns of Court do not hold, and never have held, their property by any such tenure. It is true that, with a noble disregard of selfish purposes, they have voluntarily, during five centuries, *used* their property for the public advantage, and have

have discharged gratuitously for the Judges, and as their delegates and agents, important work which the Judges could not possibly have performed so well for themselves; but this is the sum and substance of their public functions, and the State has no more right to interfere with their property on such a ground than with the property of the individual Benchers. The paragraph quoted by Lord Selborne from the Report of the Royal Commission respecting the trust attaching to the property of the two Temples, does not establish that the Inns of Court hold their property for public purposes. In the first place, such trust does not affect Lincoln's Inn or Gray's Inn at all; and even with respect to the Temples, the trust for education is one not for the education of the public, but for the education exclusively of members of their own Societies.* Another passage quoted from the Commissioners' Report in favour of compulsory examination was beside the question, since compulsory examination was then already established, and its conduct was and is in the hands of men of the highest mark in the profession, who do their work better than it could be done by any other body of persons. Let anyone attempt to formalise the argument by which Lord Selborne contends that the property of the Inns of Court is public property, and it may be shown, by the same style of reasoning, that the estates of the noble Lords who constitute the House of Peers are public property also. The Peers exercise 'public functions;' some of their estates were obtained by grants from the Crown; all the land in the kingdom was originally held upon condition of contributing in certain proportions to the defence of the realm,—a condition imperfectly discharged in time of war by the payment of a paltry Land Tax. Lord Selborne proceeded to say of the Inns of Court, that, 'being invested with a public character and invested with a public responsibility—as they were *in fact* corporations—no harm could result from their being legally incorporated.' We do not understand how any institution can be a corporation in fact, which is not a corporation in law. Is the Athenæum Club a corporation in fact? It took its origin from a movement in favour of the encouragement of literature, science and art, which are public objects. The members are lessees of the Crown. Each member during his life, or until expulsion, has a joint ownership in the property of the club, which is very valuable, and increases in value every year by the rich stores added to the

* Independently of the express language of the Trust, such would be the case on general principles, according to the decision of Lord Chancellor Hatherley in The Attorney-General *v.* Sidney Sussex College.—*Law Reports*, 4 *Chancery Appeals*, 722.

library,

library, but on a member's death no interest whatever in such property devolves on his executors; the surviving members of the club and the subsequently admitted members take the whole. The same is the case with the Freemasons, and other voluntary associations, which Lord Selborne might, with equal inaccuracy, call 'corporations in fact.' No Inn of Court is, or ever was, or ever will be, with its own consent, 'a body politic;' and we assert that, neither in law nor in fact, are the Inns corporations. If the members of an Inn of Chancery, or of an Inn of Court, were unanimously to resolve on selling and converting into money its property, and dividing it among themselves in equal proportions, no Court of Law or Equity in this kingdom could prevent them. One of the Inns of Chancery—Lyon's Inn—has already done so. Another association of lawyers, constituted like the Inns of Court in some respects, but which was actually incorporated by Charter, viz., the College of Advocates at Doctors' Commons, insisted, when their order was abolished by Parliament, upon their right to distribute their property and possessions among themselves 'for their own use and benefit;' and this right was recognised and made effectual by a statute.* If the present scheme of gradually extinguishing the ancient Order of Serjeants, instead of utilising it, shall be persisted in, and Sir Richard Paul Amphlett, 'the Last of the Barons,' shall live to become the last of the Serjeants, he will have reason to felicitate himself on having succeeded by survivorship to a valuable inheritance in Serjeants' Inn, of which nothing but an Act of Parliament can deprive him. It is said that when a Romanist longs too greedily for a beefsteak on a Lenten fast day, he takes one, christens it 'fish,' and then eats it. When Lord Selborne christens the Inns of Court 'Corporations in fact,' it is not difficult to understand his ultimate intentions. As to the statement of Lord Selborne respecting the Inns of Court, that no harm 'can result from their incorporation,' we answer that great and irreparable harm must be the result of every wrong done by arbitrary power overbearing private rights, confiscating or 'appropriating' private property to public uses, and compelling private Societies to become 'bodies politic' against their will. It is but too clear why Lord Selborne wishes to incorporate the Inns of Court. Such a change would place them and their possessions under the control of the State, as is the case with the Universities and Colleges. Then, when they are thus made creatures of the State, their property may, by the State, be taken from them, and

* 20 & 21 Vict., c. 77, sec. 117.

applied

applied for the education of the solicitors, or any other object which the Government for the time being, if strong in Parliament, shall capriciously choose. The real object sought by the proposed incorporation is clear. We have been taught by Divine wisdom that 'no man can enter into a strong man's house and spoil his goods, except he will first bind the strong man; and then he will spoil his house.'* Lord Selborne's Bill, therefore, proposes, as a preliminary step, *to bind the strong man;* and this will effectually be done if the Inns of Court are forced into the trammels of incorporation. The spoiling of their houses afterwards will be but a natural consequence. Lord Selborne also, in his speech, quoted in complimentary terms Lord Cairns's Resolution at Lincoln's Inn in 1863; but he omitted to state that it was carried by a majority of one only. He then mentioned that his own original Draft Bill had been sent to the Inns of Court, but added, 'I am bound to say that I did not get all the assistance I could have wished from those Societies;' and he professed not to understand their 'extremely short Resolution' disapproving of his Draft Bill! He subsequently proceeded to explain some of the details of his Bill; but the only point on which we need pause to make a remark is that the 'surplus' income of the Inns of Court, which, according to his original proposal, was to be handed over to his Central School of Law, is now to be left with the Inns, but with a declaration of trust affixed to it, which is obviously intended to pave the way to the same ultimate result; for it proposes to declare that it shall be '*appropriated*, and from time to time applied, to the purposes of legal education.' The legal education spoken of in this 'appropriation clause' is not the legal education of the barristers and students, who are members of the Society from whose property such surplus shall be derived, but the trust is for Legal Education generally!—in short, for the legal education of the solicitors and others, who are not members of the Societies. Lord Selborne's project is in conflict with the history of five centuries, infringes on the sacredness of private property and private rights, and has already been condemned by the acknowledged leaders of the Bar in an unanimous resolution of disapproval; yet it will never appear in its true and natural colours to the public eye so long as it continues to be decked out and dressed up by the practised hands to which it has been confided.

Our space will not allow us to examine the rest of Lord Selborne's speech, in which he explained the provisions of his second Bill for establishing a General School of Law, nor can

* Mark iii. 27.

we

we stop to criticise the speeches of the two other Law Lords who took part in the debate. The Lord Chancellor, however, pointed out, with his usual penetration, one defect in Lord Selborne's scheme, viz., that it proposed to establish 'a teaching school,' instead of a mere examining body, and he predicted that any attempt to provide funds for a teaching school would fail, and that such a school would of necessity 'exhaust or destroy the Inns of Court and their capacity for teaching law.' We entertain no doubt that the Inns of Court will continue to teach their own students, and they need feel no apprehension that any 'teaching school,' to be established under the auspices of the State, will ever be able to rival that which now flourishes under the control and care of the Council of Legal Education. If the State thinks fit to appoint its own examiners to ascertain that the students of the Inns of Court possess a competent knowledge of law before they are called to the Bar, the Inns of Court will have no reason to complain, and will perhaps be glad to be relieved from one of the most irksome of the labours now discharged by them; but if the State, or any 'body politic' created by the State, is to undertake this work, the State will be expected to pay the examiners, as well as appoint them.* We cannot conclude our observations on the debate of the 10th of July without noticing one passage in the latter part of Lord Hatherley's speech, in which he stated, with that noble frankness for which he is distinguished, that he 'should also rejoice to see the *barrier* that existed at present between the two branches of the profession *broken down*.' This phrase about 'breaking down the barrier' is capable of being understood in two ways: 1st, it may merely mean an abrogation of the system of having one course of legal study for the Bar and another for the solicitors, by establishing

* Since the above was printed, a Joint Committee of the four Inns of Court was held at the Inner Temple on the 18th December last, on the subject of Lord Selborne's two Bills, when the following Resolutions were passed *unanimously*:—It was moved by the Master of the Rolls, and seconded by Vice-Chancellor Malins: 'That Lord Selborne's Bill to incorporate the Inns of Court, and interfere with their property and internal management having been introduced into Parliament, notwithstanding the unanimous Resolution of the Joint Committee of the four Inns of the 4th March, 1874, disapproving of his original Draft Bill—a Resolution since confirmed by each of the four Inns—this Committee resolve that the four Societies be recommended to take all proper steps for opposing such Bill in Parliament if again brought in.' It was moved by Mr. Calvert, and seconded by Mr. George Loch, Treasurer of the Middle Temple: 'That this Committee disapproves of Lord Selborne's Bill for establishing a General School of Law, and especially of the provisions contained in it whereby Students for the Bar and the Articled Clerks of Solicitors shall be under one joint system, and are of opinion that the Legal Education of Students for the Bar should continue to be under the control of their own branch of the profession.'

a general

a general school common to both classes; or, 2ndly, it may mean abolishing the distinction between barrister and solicitor altogether, by introducing the blended system which prevails in the United States. The first is the only sense in which the term would be approved of by many members of the Legal Education Association. We doubt if Lord Selborne himself would approve of any other. The second, however, is the sense in which it is used by that great body of Lord Selborne's supporters who entertain the revolutionary opinions which have lately been expressed with so much boldness. We will make a few observations on each view.

First. If the two branches of the profession are still to be kept distinct, is it expedient that both should receive one common educational training? Such a plan may have some advantages, though few. It has been tried in Ireland, but with no good results, if we may judge from the Report of the Committee of 1846, and from the loose and inaccurate style too often observable in Irish pleadings and conveyances. We consider that, on the whole, the disadvantages of such a system vastly preponderate. At the commencement of their legal studies there is almost always a great disparity in age between students for the Bar and articled clerks. Five-sixths of the former have been educated at the Universities, and are four or five years older than the articled clerks. The latter, when they begin their career, are in general but an imperfectly educated set, if we are to place confidence in the important evidence given by one of their own branch of the profession, Sir George Stephen, before the Committee of the House of Commons in 1846. Nothing can be more melancholy than his description quoted in the Committee's Report.* To subject students for the Bar, when beginners, to a course of instruction suitable for the class described by Sir George Stephen would manifestly be to the disadvantage of the former. If, however, this difficulty can be partly got over by the articled clerks passing their first two or three years in a solicitor's office and then, during only the last two years of their course, residing in London for instruction in the General School of Law, they will begin to study the theory of law just at the time when, from their having acquired some knowledge of its practice, their services were becoming valuable to the solicitors to whom they are articled. To the latter the loss would be important, and for the articled clerks themselves the gain would be small; for it would be better for them, just before becoming solicitors, to be engaged in actual practice in a lawyer's office, and be attending the

* Report, p. xxxv.

Courts,

Courts, than to be listening to lectures on the Roman Civil Law and other recondite subjects. Under a system common to both branches of the profession, the system of teaching will be pushed rather too high for the articled clerks and rather too low for the Inns of Court students; both must, therefore, suffer in the result. Again, the larger the number of students in any particular class, the less will become the value of the teaching to those who attend it. The Judges fully understood this when, by their order dated in 1627, they directed that not more than ten students should attend the class of each Reader. The Benchers of the Inner Temple are so impressed with the same view, that although their annual contribution to the funds of the Council of Legal Education exceeds that of any other Inn, by reason of their having the largest number of students, they have devoted an additional 2000*l.* a year to give special instruction, in private classes, to the students of their own Society, and have established six tutorships for that purpose and placed their supplemental system under the directions of a Committee of the Bench. It is clear that if all the students of all the Inns of Court and all the articled clerks of all the solicitors are mixed together in one mass, the classes into which they would have to be grouped would become too numerous and unwieldy to be of much good to anyone. Should an attempt be made to avoid this evil by increasing the number of tutors and classes, then the students will have to be grouped with reference to their previous attainments, and the articled clerks will be drafted into one class, and the students from the Universities, who are going to the Bar, will be drafted into others, and for all practical purposes the 'broken down barrier' will be built up again. All learners may begin in the same building, but they will not and cannot learn together. Again, students for the Bar who are to be trained to understand and argue difficult cases of municipal and international law, require a higher system of education than is needful or useful for men whose duties must be principally of an administrative character. Common sense tells us that it would be better for articled clerks to be instructed in mercantile bookkeeping and in those special branches of knowledge which a land-agent should understand, than to be taught to explain such niceties as the differences between Depositum, Pignus, and Hypotheca. If the solicitors, who have suffered their own Inns of Chancery to slip through their fingers, had been more alive to their own true interests, they would never have allowed the body of men, called 'accountants,' to have sprung up, as they have done during the last few years, to absorb a lucrative portion of legal business which the solicitors ought to have kept for themselves, and they would also,

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by giving a special course of instruction to their articled clerks on the subject, have long since tried to get all the land agencies in the country in their exclusive keeping. But they have been like the dog in the fable, which dropped his mouthful of meat to snatch at a shadow.

Secondly. Is the 'barrier to be broken down' in the sense desired by some of the Provincial Law Associations? In some respects this would be useful to the solicitors. They could then deprive the junior barristers of a few briefs in undefended causes and unopposed petitions, by holding them themselves. They might also occasionally air their eloquence in more important cases, but not always to the advantage of their clients. There would no longer be a class called barristers to take precedence of themselves in society and receive superior manifestations of public respect; all would be 'advocates' and of equal dignity; all must then, without distinction, become 'Officers of the Court,' and be equally liable to be called upon 'to answer the matters in the affidavit;' firms would be formed in which some members would do the barrister's work in Court, and some the solicitor's work in chambers; this would keep business to a large extent in the same groove from generation to generation, so long as the firm continued to exist. These composite firms would also be able to sue for forensic fees, which are now irrecoverable. There might be other advantages to the solicitors which do not now occur to us; but, on the other hand, the disadvantages to the public would be enormous. The interest of the public is to have the fewest possible mistakes committed. The present system secures that advantage, but the proposed one would not. Moreover, the great English Bar would exist no longer; that lofty and noble profession which, during so many centuries, has repressed the wrongful doings of dishonest men, protected both poor and rich, and defended the liberties of the people and the rights of individuals and institutions against aggressive tyranny, would become disintegrated and fall to pieces, whilst its *débris*, mixed up with foreign substances of less value, would be transferred to the new class or order of advocates, which is to absorb all others. It is impossible that there can be this confusion of classes and functions, without loss of that fearless independence which is now characteristic of the English barrister. The Inns of Court, those nurseries of learning and public spirit, would necessarily be destroyed in such a change or be perverted to ends worse than their destruction. At present the English barrister is called by the Benchers of his Inn under the sanction of the Judges; but the Judges, though he should resist and offend them,

them, cannot disbar him without infringing the usage of five centuries, for he is not an 'Officer of the Court;' nor can the Judges of the Court give him orders or exercise authority over him. A late notorious case has shown to what extent the Judges feel bound to exercise forbearance, even when a member of the Bar abuses his privilege. If the State shall ever get under its control the institutions which call to the Bar or expel from it, the independence of the Bar will be lost, and an English barrister will soon become as timid an official as the Bavarian advocates, who trembled to accept without permission a brief to defend Kullmann for shooting at Prince Bismarck.* To what condition of degradation would the assailants of the Bar reduce it? There have been instances in which it has been proved to the Benchers that some unsuccessful barristers of their Inn have hired themselves out as conveyancing clerks to solicitors, and while sitting on a stool in their offices have drawn and settled deeds for their employers, which they have signed as Counsel, the solicitors receiving the fees and the barristers only a salary; but in such cases, when proved, the barrister has been disbarred. Nevertheless, if the system against which we protest were established, any large firms of solicitors, which chose to do so, might keep an arguing barrister in their office, as part of the staff, and send him out when required for a case in Court, just as a butcher keeps a bulldog in his backyard and takes him out occasionally when wanted for a fight. But it may be replied, we do not wish to abolish the distinction between barrister and attorney; we merely wish that if the attorney desires to conduct his own case in Court, without a barrister's assistance, he may be at liberty to do so. We answer, that the interests of the public would suffer by such a change. The privilege of free speech in Court, which the barrister possesses when he argues cases and cross-examines witnesses, is one which requires to be exercised with the greatest delicacy of treatment. It would become a nuisance if confided to men not specially trained to the work. At present the barrister is answerable for what he says and does, not only to public opinion and the Bar Mess on circuit, but, in grave cases, to the Benchers of an Inn of Court. The solicitors would do well if, instead of seeking to intrude into the domain of the Bar, they were to look to the preservation of their own business and exclusive rights, which are in more danger than some imagine. If they demand free

* In Prussia, the number of Advocates is limited, and the Government decides where each shall establish himself, and marks out his domicile, and changes it at pleasure. There is no separation of the two branches. (*Varnberg*, 'La Profession d'Avocat en Prusse.') This is nearly as bad as in China, where, according to Varnberg, 'l'Avocat reçoit le bambou dès qu'il se charge d'une mauvaise cause.'

trade

trade in advocacy, let them remember that there is the new class of 'accountants and debt collectors,' who are striving to obtain free trade in the instituting and conduct of causes, and to infringe on the exclusive privileges of the solicitors. The existing system of a separation of the work of the barrister from the work of the solicitor is, we are satisfied, the best; it grew up with the growth of the nation itself, and is established by usage, which would long since have been abrogated had it not been beneficial. To use the language of one who was, in years gone by, a distinguished Bencher of Gray's Inn, 'What is settled by custom, though it be not good, yet at least it is fit, and those things which have long gone together are, as it were, confederate among themselves; whereas new things piece not so well.'

The notion that Lord Selborne and Lord Hatherley are, with a certain amount of countenance from the Lord Chancellor, banded together to obliterate the Bar as a great and separate profession, appears to us to be simply preposterous. There is no sufficient ground for supposing that any one of them entertains a wish of the kind. But some have given encouragement to the projects of a few solicitors whose designs go beyond their own, and they have omitted to explain with sufficient distinctness to what extent they disagree with such projects and are prepared to oppose them. Even if the notion had a basis as real as we believe it to be imaginary, there would be no just cause for apprehension; for the English Bar is too powerful to be destroyed with facility. One fact we consider certain: the Government over which Mr. Disraeli presides will never give its support to Lord Selborne's Bill for the Incorporation of the Inns of Court or for the 'appropriation' of their property, in the face of the unanimous disapproval which that measure has received from the governing bodies of those learned and ancient Societies. Why, indeed, should the Conservative Government act so unwisely as to provoke the hostility of a Bar more redoubtable than that of the publicans? They would be covered with derision were they to embark on a course of 'plundering and blundering,' or to sanction any of those innovating schemes by which every class and profession, every institution and establishment in the country, has during a series of years been more or less vexed by Liberal Administrations. Lord Selborne's Bills will be brought before Parliament during the next Session, and our Conservative Government will be obliged to decide whether the new movement now in progress shall receive its support or its opposition. It is for many reasons most important that the Cabinet should come to a resolution on the subject as soon as possible, and let the result be known.

ART. V.—*The Life of Christ.* By Frederic W. Farrar, D.D., F.R.S.; late Fellow of Trinity College, Cambridge; Master of Marlborough College, and Chaplain in Ordinary to the Queen. Tenth Edition. London, 1874. 2 Vols. 8vo.

WHATEVER opinion be entertained as to the purpose of these brilliant volumes, there can be no doubt that the publishers, with whom the idea originated of placing in the hands of English readers 'such a sketch of the life of Christ on earth as should enable them to realise it more clearly, and to enter more fully into the details and sequence of the Gospel narratives,' acted with wise forecast in committing the furtherance of their design to the present Master of Marlborough College. Dr. Farrar was no novice in literature. His published studies in the Science of Language had not merely distinguished him as a writer of independent thought and untiring research, but had shown him to possess gifts of exposition and illustration, such as are to be found only in born teachers. Hardly less important as a qualification for the task imposed upon him was his well-known eloquence as a preacher. And though the aim of the promoters was 'to spread the blessings of knowledge' rather than to strengthen the foundations of faith, the marked ability of his Hulsean Lectures on 'The Witness of History to Christ,' delivered before the University of Cambridge, in 1870, might not unreasonably have been accepted as a substantial augury of his success. To these tokens of aptitude for the work may be added another, the importance of which must have been obvious to his publishers. Dr. Farrar, though known to be staunchly attached to the faith of the Church of England, had publicly expressed himself, on more than one occasion, with characteristic fearlessness, in favour of a clergyman's right to follow his conscience at all hazards in pursuit of truth; and hence his name was sure to carry with it a guarantee, not merely that the faith of tradition would not be trifled with, but that the many deep and intricate problems connected with his subject would be resolutely encountered to the best of his knowledge and ability. The result of his labours is now before us; and, considering that we are reviewing the tenth edition of his somewhat costly volumes within nine months of their publication, he may certainly be congratulated upon a literary success to which the annals of English theology present no parallel. Some portion of this success, it may not perhaps be fanciful to attribute to a reactionary mood in matters of faith, analogous to that which has recently influenced the popular current of political

ideas in England. Since the publication of 'Essays and Reviews,' society, for good or for evil, has extended an ever-increasing tolerance to scepticism, of which the Press has not been slow to take advantage. Opinions which a few years since were confined to learned corners, are broached to-day without reserve in leading journals and popular magazines; and side by side with the last new novel, upon the counters of our circulating libraries, may be found attractive essays, bearing influential names, which make no secret of their author's belief that the creed of our common Christianity is a sham. It would, nevertheless, be a mistake to suppose that the religious mind of England, curious as it is in regard to sceptical ideas, is, at bottom, sceptically inclined; least of all, is it disposed to tolerate anything like ridicule of that which it holds sacred. But criticism has indulged itself of late in a licence of *badinage* to which we are little accustomed on this side the Channel. We have been told in accents of mock pity that our theology is nothing better than a series of fairy tales, tricked out with delusive metaphysics. The same self-confident authority has assured us that 'the reign of the Bible miracles is doomed.' And, in order, we suppose, to hasten their extinction, we have been treated quite recently, among other pleasantries, to an exposure of rationalistic interpretation at least suggestive of a parallel between the Miracle of Cana and the story of Cinderella.* Such liberties overreach themselves. There is, probably, no religious conviction which has not been worried, no religious interest which has not been affronted, by the assumptions and familiarities of this kind of writing. Hence, apart from the intrinsic merits of Dr. Farrar's work, we are inclined to think that there was a predisposing cause for the enthusiastic welcome it has met with. And though it might savour of rashness to infer, from the success of a single book, that there is no such disintegration of faith in our midst as that of which we have been lately warned *ad nauseam*, the fact that a new Life of Christ, avowing itself 'unconditionally the work of a believer,' has achieved a popularity far exceeding that of nearly, if not quite, the most captivating sceptical work of modern times, may well serve to moderate the over-sanguine expectations of the critic, no less than to calm the undue fears of the orthodox.

Dr. Farrar's standpoint is that of an orthodox theologian, not, however, of the school to which the somewhat unguarded expression we have just quoted might seem to attach him. While

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* 'Objections to Literature and Dogma.' Part. I. *Vide* 'Contemporary Review' for October, 1874, p. 816.

adhering

adhering 'to every fundamental doctrine of the Christian faith,' he holds liberal views in regard to Inspiration which distinguish his position fundamentally from that of the mere harmonist. We quote the following, as a more distinct expression of his opinion upon this subject than we find in these volumes, from a work to which he refers us (vol. ii. p. 182, *n*):

'We believe with unfeigned heart that Holy Scripture was given by inspiration of God. That in it is contained all that is necessary for salvation. . . . We hold that, while the revelation which it contains was continuous, many parts of that revelation were delivered in a manner relative to the immediate needs of the age in which they were uttered; and as regards the method of its deliverance, we have seen a multitude of facts, both external and internal, which lead us to believe that, except in special clearly defined instances, it was not essentially dissimilar from that by which we arrive at the apprehension of those truths which are vouchsafed to us from other sources, *i.e.*, that it was only supernatural as the deepest facts of our spiritual experience are supernatural; and only miraculous, as any communications must be miraculous whereby the Finite is enabled to comprehend the teaching and will of the Infinite.'

He acknowledges the existence of formidable difficulties in the Gospel records, and, in many instances, candidly admits the possibility of error. 'Against *any* harmony which can be devised, some plausible objection,' he allows, 'could be urged.' Hence he lays no claim to finality for his own efforts. At the same time he aims at showing 'by the mere silent course of the narrative itself, that many of the objections' brought against it 'are by no means insuperable, and that many more are unfairly captious, or altogether fantastic.' For a delineation of the Life of Christ, from an orthodox point of view, his work is singularly free from the special pleading which has too often nullified the labours of his predecessors in the same field. It may, no doubt, be charged on this account with inconsistencies and ambiguities which a less candid pen would have avoided. But, whatever may be our differences with Dr. Farrar as to the method he has employed, we are not disposed to quarrel with him for what we regard as its necessary results. We feel at any rate that he has no mental reservations, but that, from first to last, he gives us the honest impressions of a richly-gifted and highly-cultivated mind, fairly representing, both in its certainties and in its uncertainties, the great majority of religious, which are at the same time thinking, minds of the present day.

The volumes are prefaced by a long list of authorities, to whom reference is made in the course of them. The list is by no means complete, nor does it give any idea of the many-sided

culture which, apart from the learning displayed, imparts to their contents a peculiar fascination. A writer would be ill qualified to undertake 'a task so difficult and important as that of writing the Life of Christ,' who had not made himself familiar with the voluminous criticism, foreign and domestic, of the last half-century in relation to his subject. And certainly no fault can be found with Dr. Farrar for neglect of the works even of those critics with whom he most disagrees. He has been, in fact, an omnivorous reader; and if we detect traces of hurry in his occasional misapprehension of the views of those whom he quotes, yet he must be credited with having brought together and placed within the reach of ordinary readers an amount of varied information in reference to his great theme, such as can be found in no other popular work in the language. His acquaintance with Talmudic writers, and with the Talmud itself, gives a special value to his illustrations from the rarity of this kind of study among English theologians; and no one can read the Appendices at the close of his second volume without perceiving how conscientious his labour has been. We lay stress upon this point, because the character of his style is calculated to create a wrong impression as to the solidity of his work. In his diffuseness and love of ornament he is a veritable Chrysostom.* But the stream of rhetoric which leaps and glitters in his pages springs from no affectation. It flows naturally and irrepressibly from his pen. We should guess, indeed, that he had lisped the prose of Milton and Jeremy Taylor; for, though his diction lacks the robustness of his favourites, it has an echo of the same sonorous music, and is evidently the result of intimate familiarity with, rather than conscious imitation of, their style. Dr. Farrar's scholarship is too highly reputed of to need our commendation. His retranslations from the Greek are, for the most part, as happy as they are accurate, though, being more of a classical than a Hellenistic scholar, he is sometimes apt, we think, to press the distinctions of Attic style too far, or to err from insufficient induction in regard to New Testament usage. For illustration we might refer to his interpretation of *ἑταῖρε, ἐφ' ὃ πάρει*; Matt. xxvi. 50 (vol. ii. 318), where he differs from Winer and the best authorities; and to his explanation of the elliptical *ἀλλ' ἵνα*, John ix. 3 (vol. ii. 83, *n.*), the assignation to which of a consequential force is contrary to the invariable use of the idiom by St. John. He seems to us to miss the meaning of *τὴν δωρεὰν τοῦ Θεοῦ*, John iv. 10 (vol. i. 209), which clearly refers to the free and universal gift of water, and supplies the clue to the words that follow: and we must take exception to his translation of *ἀγαπᾷς με*; John xxi. 15, 16 (vol. ii.

(vol. ii. 443), by '*Honourest* thou Me?' remembering the words μαθητὴς ἐκεῖνος ὃν ἠγάπα ὁ Ἰησοῦς in the 7th verse. If he is at times forgetful, in drawing out delicate shades of meaning from our Lord's words, that Greek was not the language in which He must ordinarily have expressed Himself, we think that, generally speaking, his unconventional treatment of the text of the Gospels will prove highly useful, not merely in preparing the unlearned reader for a revision of the Authorised version, but in introducing him for the first time to many unsuspected points of interest in the life and teaching of Christ.

Considerable charm accrues to the work from the author's brief experience of Oriental travel. Many of his descriptions are such as could only have been inspired by personal observation. We select at random one of many graceful passages, to the truthfulness of which we bear willing testimony. He is describing El Mejdel, the home of Mary Magdalene.

'Though the few miserable peasant-huts are squalid and ruinous, and the inhabitants are living in ignorance and degradation, the traveller will look with interest and emotion upon a site which brings back into his memory one of the most signal proofs that no one—not even the most fallen and the most despised—is regarded as an outcast by Him whose very work it was to seek and save that which was lost. Perhaps in the balmy air of Gennesareth, in the brightness of the sapphire sky above his head, in the sound of the singing-birds which fills the air, in the masses of purple blossom which at some seasons of the year festoons these huts of mud, he may see a type of the love and tenderness which is large and rich enough to encircle with the grace of fresh and heavenly beauty the ruins of a once earthly and desecrated life.'—vol. i. p. 305.

At the same time we feel that, had Dr. Farrar been able to extend his visit to the Holy Land beyond what we may suppose to have been the limits of a school vacation, there would have been less in his pages of that exuberance which first impressions of the East are so apt to inspire in a poetic temperament. His pictures too often remind us of the brilliant combinations of colour we owe to the art of Mr. Holman Hunt than of the every-day aspect of the scenery of Palestine. Take, for instance, the following:—

'The view from this spot (the hill behind Nazareth) would in any country be regarded as extraordinarily rich and lovely; but it receives a yet more indescribable charm from our belief that here, with His feet among the mountain flowers, and the soft breeze lifting the hair from His temples, Jesus must often have watched the eagles poised in the cloudless blue, and gazed upwards as He heard the long line of pelicans, as they winged their way from the streams of the Kishon to the Lake of Galilee.'—vol. i. p. 101.

Here

Here he allows his fancy to run riot, as is the case also when he describes the Jordan valley, as it must have appeared to the eyes or the imagination of John the Baptist. Later on (vol. i. 312), in a chapter, entitled, 'Jesus, as he walked in Galilee,' founded upon Dr. Delitzsch's tract, '*Sehet welch ein Mensch*,' he writes with stricter regard to probability:—

'He is not bareheaded, as painters usually represent Him, for to move about bareheaded in the Syrian sunlight is impossible, but a white *keffiyeh*, such as is worn to this day, covers His hair, fastened by an *aghal* or fillet round the top of the head, and falling back over the neck and shoulders.'

The topography of the book shows every mark of care; but in (vol. i. p. 71) Jeb'a, a village in the territory of Manasseh, is confounded with El Jîb (Gibeon), which belonged to the tribe of Benjamin; and we think that if the author had visited Banias, with its magnificent background of mountain spurs and ravines, he would not have thought it necessary to place the scene of the Transfiguration among the open and featureless uplands of Gebel es Sheikh.* Certainly he would not have identified Cæsarea Philippi with Dan (Tel el Kadi), which lies some few miles to the west, or taken for granted Josephus's unintelligible story of a subterranean connection between Lake Phiala (Bîrket er Râm) and the fountain of the Jordan at Paneas.

In regard to externals, we are unwilling to dwell upon defects where there is so much that is inviting; but we observe that the typographical errors, particularly in the Greek orthography, of the first edition remain uncorrected in the tenth; and we feel that if Dr. Farrar should see fit to reduce his work to less costly dimensions for the benefit of a large class of readers who are now excluded from its use, it might with advantage be divested of many needless repetitions. We notice, moreover, several oversights in matters of fact,† which, though they can hardly be said to affect the real value of the book, and may fairly be excused on the plea which is tendered in the Preface, point, in our opinion, to the necessity for careful revision. Perhaps, too, we may be allowed to suggest the enlargement of the Index and the addition of a few good maps.

To

* This is the Arabic designation of the loftiest point of the Anti-Lebanon, the Hermon,' 'Sirion,' or 'Shenir' of Deut. iii. 8, 9. Though the mountain is 11,000 feet above the level of the sea, the summit may without difficulty be reached on horseback as early as May.

† Such, for instance, are the statements as to the probable position of Judas at the Last Supper which is differently described in two consecutive pages (vol. ii. 284-5): the contradiction which is given to Luke xix. 14, by the words, 'We are told that *once* He wept' (vol. i. 319): the misrepresentation of 1 Sam. xxi. 1-8, contained.

To ourselves, we own, the most attractive feature of the book is its deep sincerity of purpose. While neither learning nor eloquence, nor descriptive genius, could compensate for the absence of this in a work that professed to interpret the earthly life of Christ, its presence in every chapter of the present work atones, in great measure, for certain grave defects which it will be our duty to point out in the course of the present review, and carries us, notwithstanding, to the last page with feelings of hearty admiration for the writer.

And first, we must express our opinion that the aspect of the theological field in England was not such as to render desirable at the present time a new attempt to combine into one the fragmentary records of the Life of lives. The image of the historical Christ belongs, it is true, to no one age in particular; and from time to time men feel the necessity of having vividly represented to them in their own stage of social and scientific progress that Realized Ideal which is the property of the whole race. But the theologian, who would build up the faith of his fellow men securely, must not hastily assume that such representations are always in season. 'The incredulous murmurs of an impatient scepticism,' to which a passing allusion is made in an eloquent passage at the close of these volumes, should be to him a perpetual reminder that the soil on which he treads is volcanic; and he will forbear to raise a stately pile upon the very ground which threatens eruption until he has ascertained the real extent of the coming danger, and determined in what direction he may build with safety to himself and others.

Within the last year we have plainly felt the shock in this country of that unsparing wave of criticism which has shaken the fabric of orthodoxy in Germany to its very foundations; and it seems highly probable that the impetus towards sceptical inquiry, which was derived by the Continent from English Deism in the early part of the last century, is about to be repaid us with interest at the close of the present. For our own part we have no fear that careful investigation of the origin and nature of the evangelic records, conducted with a view to discover truth and not to establish a preconceived theory, will result at this period of the world's history in any such novel discovery as shall discredit

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contained in the assertion that 'David went *with* his *armed* followers into the *Temple*' (vol. i. 437): the application of the epithets '*ascetic*' and '*impassioned*' to James and Jude the Apostles (vol. i. 368), notwithstanding the author's decision against the Hieronymian theory as to the 'Brethren of the Lord' (vol. i. 97, *n.*); and the allusion to 'Sidon, with its fisheries of the purple *limpet*' (vol. i. 476), a term which cannot, even poetically, be applied to *Murex trunculus*, or *Purpura hæmastoma*.

the

the supernatural claims of the Christian religion. Theologians may be forced to express themselves in less dogmatic language than heretofore; apologists may have to abandon ground it were better that they had never occupied; students of the New Testament and of ecclesiastical history may be driven to confess that problems they fancied themselves to have solved are still beyond their grasp; but until the opponents of divine revelation are able to explain to us how an age and people, of whose disingenuousness and credulity they accumulate convincing proof, came to give birth to a Teacher whom, in the same breath, they acknowledge to have 'carried morality to the sublimest point attained, or even attainable, by humanity,' they can hardly expect us to admit that they have made out a case against miracles, or demolished the only adequate explanation that has ever been offered of so unique a phenomenon.* At the same time we deprecate the attempt to impart a suspicious unity and definiteness to narratives confessedly fragmentary and unchronological as our Gospels are, while the question is still earnestly debated by devout critics whether, in the form in which they have come down to us, they are the actual compositions of those whose names they bear, and while the highest theological wisdom is still at variance with itself as to the degree in which their subjective character is to be recognised. It may, no doubt, be possible, by careful intertexture of the sacred biographies, to present such a picture of the life of Christ as shall satisfy the minds of the unlearned by its apparent consistency; but if the harmony be only attainable through the neglect of scientific method—and in the present state of our knowledge it can hardly be otherwise—the cause of faith, it appears to us, is better served by the elaboration of separate features than by abortive attempts at synthesis. Doubtless the essential unity which may be shown to pervade them is a weighty argument for the truth of details; but the evidential force of such unity is in proportion to its unconscious suggestion: whereas the visible effort to bind the facts into one is apt to increase the conviction of their inconsistency in minds that crave logical precision.

* 'The teaching of Jesus carried morality to the sublimest point attained, or even attainable, by humanity. . . . Such morality, based upon the intelligent and earnest acceptance of Divine law, and perfect recognition of the brotherhood of man, is the highest conceivable by humanity; and although its power and influence must augment with the increase of enlightenment, it is itself beyond development, consisting as it does of principles unlimited in their range, and inexhaustible in their application. . . . It is too Divine in its morality to require the aid of miraculous attributes. No supernatural halo can heighten its spiritual beauty, and no mysticism deepen its holiness. In its perfect simplicity it is sublime, and in its profound wisdom it is eternal.'—*Supernatural Religion*, vol. ii. pp. 487–489.

Now

Now we trust that Dr. Farrar will bear with us when we say that his power of vivid narrative is considerably in excess of his critical acumen. We do not mean to imply that his judgment is untrustworthy when he has to deal with various readings of the Greek text, or when he has to decide between several explanations of the same historical difficulty. On the contrary, he exhibits a remarkable capacity for arranging and weighing evidence: witness his admirable note upon John viii. 1–11 (vol. ii. 61, 62), and exhaustive excursus, 'Was the Last Supper a Passover?' But with all his sagacity in discriminating between the opinions of others, we constantly find him making suggestions himself which stir more difficulties than they solve, and at times so handling the sacred narrative as to invite rather than disarm the attacks of a sceptical foe.

Take, for instance, his treatment of the Fourth Gospel. 'Writing as a believer to believers, as a Christian to Christians, surely,' pleads Dr. Farrar, 'after nearly nineteen centuries of Christianity any one may be allowed to rest a fact of the life of Jesus on the testimony of St. John without stopping to write a volume on the authenticity of the Fourth Gospel:' and if he had confined himself to the somewhat narrow audience whom he claims to be addressing, we should have had nothing to urge against his plea. But it is easy to perceive that while he invites the attention of those only whom he somewhat vaguely terms 'believers,' he has in his mind's eye a much wider circle. Every page of his book, and especially the valuable notes with which he has enriched it, teems with anticipations and refutations of supposed objectors. He is, in fact, too good a theologian to divest himself wholly of the critic; on the other hand, he is too zealous an artist to allow the seductive flow of his narrative to be seriously interrupted by critical considerations. His work in consequence exhibits the defects inseparable from a double intention. As history it cannot altogether be trusted; as criticism it is manifestly inadequate. Now the Gospel of St. John is, to say the least, dangerous ground for the writer of a popular Life of Christ. Granted that the author was St. John—and we cordially agree with Dr. Farrar in thinking that the weight of internal evidence is all but decisive in favour of the orthodox view—granted that much of the Gospel is pure narrative, still the results of criticism are not so wholly void as to allow of its indiscriminate use as a document of precisely similar character to the records of the Synoptists. Our author's chapter on Nicodemus furnishes one among many instances of the critical unsoundness into which he is too often unconsciously betrayed through what seems to us an imperfect apprehension

apprehension of the conditions of his task. The third chapter of St. John's Gospel, after narrating the nightly visit of the timid Rabbi to our Lord, passes in the 16th verse into one of those didactic discourses in the style of St. John's First Epistle, which form so peculiar a feature of the Gospel. Few critics but such as maintain a more or less mechanical theory of inspiration—and of these Dr. Farrar is not one—refuse to admit here that the Evangelist is in part commenting upon and explaining the testimony which he records, and more obviously still is this the case in the expansion of the Baptist's words at the close of the chapter. But although, if the subjective element be thus admitted, the admission is a most important one as affecting the purely historical character of the Gospel, Dr. Farrar treats the discourse as resting upon exactly the same footing as any other recorded words of Jesus, and founds upon it the following reflection, just, no doubt, in itself, and full of spiritual insight, but unsuited to the connection in which it is found.

'Doubtless in the further discussion of [these mysteries] the night deepened around them, and, in the memorable words about the light and the darkness with which the interview was closed, Jesus gently rebuked the fear of man which led this Great Rabbi to seek the shelter of midnight for a deed which was not a deed of darkness, needing to be concealed, but which was indeed a coming to the true and only light.'—vol. i. p. 200.

It is of course open to Dr. Farrar to hold that St. John's Gospel was written for the purpose of supplementing or occasionally rectifying the accounts of the Synoptists, rather than of arranging certain features of the great picture according to a special point of view: but as the latter is in the main the opinion even of those critics who hold the Johannean authorship, and at least accounts for many of the most difficult phenomena of the Gospel, he is hardly free to express impatience of the scepticism which doubts its genuineness, while he almost entirely ignores that peculiar element which distinguishes this record so widely from the earlier narratives.

We find ourselves compelled to enter a still stronger protest against the use which Dr. Farrar makes of Christian legend. To a mind like his, intensely susceptible of the picturesque, the temptation to interweave with the sacred history extraneous fables which sober criticism has either set aside or not thought it worth while to refute, tends at times seriously to compromise the faithfulness of his narrative. Conspicuously is this the case in regard to the Visit of the Magi, and the Interview with the Greeks, recorded by St. John (xii. 20 ff.). 'True, he characterises the legends connected with the former incident as 'innocent fancies;' but when

when we are told in the same sentence that they are 'worthy of mention because of their *historic interest, and* their bearing on the conceptions of Christian poetry and Christian art,'* it would seem as though some importance were attributed to them over and above the influence they have exercised upon the latter, and in this case their 'innocence' becomes more than questionable in the context where they are found. A similar objection must be urged against the introduction of the legend of Abgarus in connection with the Visit of the Greeks. We are not aware that even tradition links them together, and we suspect the author has been misled here by the fanciful ingenuity of Sepp; but to speak of an absurd fable as 'an interesting tradition, but one upon which we can unfortunately lay no stress,'† is to suggest a possibility of its truth which is simply mischievous. The effect of such playing with legend is unconsciously illustrated by Dr. Farrar himself, when he introduces the Greek inquirers at the head of his page by the uncritical designation, '*Emissaries* from the West.' There is another instance of the same want of historic perception in vol. i. p. 60, which we notice, because the writer is evidently unaware of the impression which his too unguarded use of legend is calculated to make upon the mind of the thoughtful reader. After pointing out the contrast between the style of the Apocryphal Gospels and that of the Evangelists, and condemning the former in language that needs no palinode, he quotes a story from the 'Arabic Gospel of the Infancy,' as 'at any rate harmless, and possibly resting upon some slight basis of historical fact.' The scene is so manifestly a childish reflection of the Triumphal Entry that, whether harmless or not, its quotation as possible fact must detract something from the weight of Dr. Farrar's judgment in regard to a far more important matter—the difficulties, namely, which are involved in the duplicate narratives of the Gospels. His vindication of a second cleansing of the Temple as belonging to the last days of our Lord's life, in immediate connection with His entry into Jerusalem, forms the introduction to the most original and suggestive chapter in the whole work.

Another fault to which Dr. Farrar is prone is the uncritical use of scientific or pictorial description in cases where the inadequacy of the one or the uncertainty of the other is simultaneously admitted. We can see no possible reason why he should have encumbered his text with Kepler's calculations in reference to the Star in the East, 'the applicability of which to the Gospel narratives is now generally abandoned.' A note

* Vol. i. 36. † Vol. ii. 207.

would

would have sufficed, and would have obviated besides the disturbance of the religious ideas which the chapter is intended to convey. Among other instances of the same want of self-restraint are the lurid description of Herod's malady, of which we are presently told in a note that 'it is very doubtful whether there is such a disease'* at all; and the translation of the solemn words, *ἐγένετο ὁ ἱδρὼς αὐτοῦ ὥσει θρόμβοι αἵματος* into 'This passion . . . which forced from Him the rare and intense phenomenon of a blood-stained sweat,'† when the pathological explanation seems to be discountenanced in a note, and a subjective interpretation has been applied to the passage only a few lines before.

One other point we notice because of its importance with respect to many of the most difficult problems with which the writer of a Life of Christ is called upon to deal. When we are told by St. Luke that 'Jesus increased in wisdom'—an expression which, notwithstanding the very full and interesting account which Dr. Farrar gives us of Jewish education, he allows to pass without comment—it seems to us that a door is opened for humble speculation as to the meaning of this intellectual growth. If our author had ventured upon the subject, we think his treatment of some portions of the sacred history—notably of the Temptation—would have been different. But the cognate question as to whether Jesus shared the beliefs of His time, as is boldly assumed by one school of critics, or, as others hold, accommodated His teaching not unfrequently to those beliefs, is one that can hardly fail to suggest itself from time to time to the student of the Gospels. It is prominently forced upon us, for instance, in relation to the Parable of the Rich Man and Lazarus, and the promise of our Lord to the Dying Thief. Dr. Farrar, however, dismisses the 'doctrine of accommodation' in a brief note upon demoniacal possession (vol. i. 237), with the slight remark that 'although it has received the sanction of some very eminent Fathers'—he might have added 'of many very eminent divines'—'it must be applied with the most extreme caution.' We readily accept the admonition, but when we find the author drawing a hasty inference like the following from the use of *ἑταῖρε* (comrade) instead of *φίλε* (friend) in our Lord's question to Judas, Matt. xxvi. 50, 'Never, even in the ordinary conventionalities of life, would Christ use a term that was not strictly true,' we are constrained to ask whether the statement is intended to preclude the idea that the language of our Lord's utterances was ever qualified by the defects in knowledge characteristic of His time.

* Vol. i. 47. † Vol. ii. 311.

Dr.

Dr. Farrar's method, which seldom allows him to forsake the literal interpretation of the Gospel accounts, is necessarily least satisfactory whenever the history is couched in mysterious form. It was probably the author's own consciousness of this which determined the commencement of his narrative with the scenes of the Nativity. Although, from a theological point of view, the omission of all direct mention of the Miraculous Conception is hardly what we should have expected in the present work; its truth being unmistakeably assumed, we think that Dr. Farrar has shown his wisdom in making no attempt to impart a more definite outline to the angelic apparitions recorded in the initial chapters of St. Matthew and St. Luke than is given to them by the Evangelists themselves. Perhaps it may be doubted whether he has not gone too far in asserting 'the absolute credibility of the Gospels *as simple histories*' * in reference to the story of the Shepherds. The belief that the narrative of the Holy Infancy has been conveyed to us in more or less imaginative form—a belief which has been entertained by many devout critics, and which several of Dr. Farrar's own expressions tend to encourage—is a wholly different thing from its rejection as myth or legend; and we fail to see what reason can be assigned for the subjective explanation which our author unhesitatingly applies to the angelic ministrations of the Temptation and the Agony which will not equally serve to consign the angelic accessories of the Nativity to the highly-wrought imagination of its earliest witnesses. The incidents of the Holy Infancy seem to us to offer no scope for the harmonist of the Gospels. The conviction of their essential truth must result from a spiritual apprehension of those central and more tangible facts of the sacred life which presuppose an origin transcending human experience. Dr. Farrar professes to be appealing, not, like Correggio in his 'La Notte,' to our imagination, but to our historical sense: he intends that we shall be able to realise these incidents more clearly than before; and he has failed, in our judgment, not because his attempt is a feeble one, but because he has made it at all.

To judge from the tendency of thought at the present time, we should imagine that no portion of the work before us will have been scanned with greater interest than that which treats of the Miracles of Christ. In regard to these Dr. Farrar had already uttered no uncertain sound; and in the present volumes he follows in the main the line of thought adopted in his Hulsean Lectures. We could wish that he had been content with one calm statement of his views in opposition to those of

* Vol. i. p. 13.

his

his supposed adversaries, instead of returning to the charge, and involving himself in some confusion of thought when he has to deal with the miracles of the 'Water made Wine,' and the 'Walking of Christ upon the Sea.' The language of his preface is as follows:—

'In considering the miracles of Jesus we stand in a wholly different position to the earlier disciples. To them the evidence of the miracles lent an overwhelming force to the teachings of the Lord. They were as the seal of God to the proclamation of the new kingdom. But to us, who for nineteen centuries have been children of that kingdom, such evidence is needless. To the Apostles they were the credentials of Christ's mission; to us they are but fresh revelations of His will. . . . We appeal to them not to prove the truth of Christianity, but to illustrate its dissemination. But though to us Christianity rests on the basis of a Divine approval far more convincing than the display of supernatural power . . . a belief in these miracles enables us to solve problems which would otherwise be insolvable, as well as to embrace moral conceptions which would otherwise have found no illustration. To one who rejects them—to one who believes that the loftiest morals and the divinest piety which mankind has ever seen were evoked by a religion which rested on errors or on lies—the world's history must remain, it seems to me, a hopeless enigma or a revolting fraud.'—vol. i. pref. xvi.

Later on (vol. i. 167 ff. and 331 ff.) we regret to find him adopting a controversial tone in reference to the sneer of the scientist, for his language savours of exaggeration, and fails to pierce the real armour of scientific unbelief:—

'Men in these days have presumptuously talked as though it were God's duty—the duty of Him to whom the sea and the mountains are a very little thing, and before whose eyes the starry heavens are but as one white gleam in the "intense inane" to perform His miracles before a circle of competent savans! Conceivably it might be so had it been intended that miracles should be the sole, or even the main, credentials of Christ's authority; but to the belief of Christendom the Son of God would still be the Son of God, even if like John, He had done no miracle.'

Here is not only an *ignoratio elenchi* as regards science, but a concession on the part of theology in which, as believers in the Incarnation, we are unable to follow Dr. Farrar. Let us, however, hear him further upon the same subject:—

'If we believe that God rules, if we believe that Christ rose, if we have reason to hold among the deepest convictions of our being the certainty that God has not delegated His sovereignty or His providence to the final, unintelligent, pitiless, inevitable working of material forces . . . then we shall neither clutch at rationalistic interpretations nor be much troubled if others adopt them. He who believes, he who *knows* the efficacy of prayer in what other men may

regard

regard as the inevitable certainties or blindly directed accidents of life—he who has felt how the voice of a Saviour heard across the long generations, can calm wilder storms than ever buffeted into fury the bosom of the inland lake—he who sees in the person of his Redeemer a fact more stupendous and more majestic than all those observed sequences which men endow with an imaginary omnipotence, and worship under the name of Law—to him at least there will be neither difficulty nor hesitation in supposing that Christ . . . did utter His mandate and that the wind and the sea obeyed; that His word was indeed more potent among the cosmic forces than miles of agitated water or leagues of rushing air.'

Dr. Farrar's object is to strengthen the faith of the doubter; but to group spiritual things with natural in the same category, as he has done in the above passage, is not the way to remove perplexity. He is well aware that to talk to one who rejects miracles on scientific grounds, of 'a *preparation for belief* which every Christian derives from the experiences of his own life, and from that which he believes to be the voice of God speaking to his heart,'* is to talk a language which to him is but the jargon of prejudice. Equally futile is it, in our opinion, to continue the argument with such an one upon the ground of 'antecedent credibility.' *A priori* considerations are powerless against the evidence of Nature when she has ceased to be regarded as the exponent of a Living Will. Meanwhile the advance of scientific knowledge is widely diffusing a *preparation for disbelief*, which is wholly distinct from the desire to disbelieve; and we who view the Gospel miracles with Dr. Farrar as something other than 'those unsaveable things' which have been recently thrown in our teeth, turned to a new interpreter of the Life of Christ, who is also a votary of Science, in expectation of finding clearer and more helpful views upon this subject, than are to be met with in the present volumes. The efforts of theology at the present day should be directed, not to vindicate the possibility of miraculous interference with the order of Nature, but to show the relation which miracles bear to a divine revelation accepted upon other grounds; and to this end the New Testament itself supplies help that has been too much neglected. St. John speaks of the 'first beginning of *signs*' which Jesus did in Cana of Galilee: σημεῖα (signs), not ἔργα (works), as Dr. Farrar over-hastily asserts, is 'the favourite expression' of the theological Evangelist in special relation to miraculous acts.† 'The Word,' he asserts, 'was

* Vol. i. 172, *n.*

† The word ἔργον occurs frequently in St. John's Gospel, but is never represented in the A. V. by the English 'miracle,' whereas the word σημεῖον is so translated thirteen times.

made

made flesh and dwelt among us, and we beheld His glory, the glory as of the only begotten of the Father.'* Miracles were in his view the necessary results of the Incarnation. Accordingly the first miracle of Christ is described not as 'a stupendous' work, but as the undemonstrative manifestation of a Divine Presence; and though that Presence is withdrawn from human sight, to the eye of faith its unabated energy is visible still in every physical process and every human vicissitude. If miracles be regarded in the light which St. John's Gospel throws upon them, the progress of science will be seen to confirm rather than to confound the faith of the theologian. Already it has exorcised the world of many an evil genius that had usurped the throne of the Invisible. Interpreted by the aid of patient experiment, earthquake and storm, famine and flood, even the phenomena of mental and physical disease, are found to disclose traces of harmonious arrangement which to the eyewitnesses of the miracles of Christ were imperceptible; and when we read that Jesus stilled the waves, and multiplied the loaves, and restored their soundness to the paralytic limbs, we feel that whether the 'cosmic forces' were suspended or not, His acts did but manifest forth immediately to human sense that creative and redemptive power of which these are but the imperfectly apprehended expression. 'Miracles,' says a keen-sighted preacher of modern times, 'have only done their work when they teach us the glory and the awfulness that surround our common life. In a miracle God for one moment shows Himself, that we may remember that it is He that is at work when no miracle is seen.' And surely the thought is borne out by the frequently-manifested unwillingness of the great Sign-giver that His works should be bruited abroad to vulgar misapprehension. Dr. Farrar, though somewhat hesitatingly, has suggested the same idea in a pleasing passage:—

'Why did our Lord on this (the healing of the leper) and many other occasions enjoin on the recipients of the miracles a secrecy which they so rarely observed? The full reason perhaps we shall never know, but that it had reference to circumstances of time and place, and the mental condition of those in whose favour the deeds were wrought, is clear from the fact that on one occasion at least where the conditions were different, He even enjoined a publication of the mercy vouchsafed. Was it as St. Chrysostom conjectures, to repress a spirit of boastfulness, and teach men not to talk away the deep inward sense of God's great gifts? or was it to avoid an over-excitement and tumult in the already astonished multitudes of Galilee? or was it that He might be regarded by them in His true light—not as a mighty wonder-

* John i. 14.

worker,

worker, not as a universal Hakîm, but as a Saviour by revelation and by hope?'—vol. i. 277.

We cannot but feel the contrast between the last sentence of this passage and some of Dr. Farrar's most graphic descriptions of the miracles of Christ, notably that of the Stilling of the Storm, in which his rhetoric is allowed to get the better of his taste, and the real meaning of the sign is unfortunately obscured by the sensational accessories which are introduced to heighten the effect of the picture.

Having overstepped the lines he laid down in his Preface, we are the less surprised to find him falling into inconsistency in his treatment of the miracles. Thus he expresses impatience with the rationalism of Olshausen, Neander (whom he unintentionally misrepresents), and Lange, in regard to the 'Water made Wine,'* but justifies his own singular rationalism with considerable earnestness when he has to deal with that most difficult incident of miracle,—the Demonisation of the herd of swine.† We are far from denying that there is much even in regard to miracles in the course of his work with which we find ourselves in accord; but the uncertain manner in which the subject is dealt with, and the sensitiveness which our author betrays to the taunts of unbelief, coupled though it be with a delicate courtesy towards those who differ from him, leave us with the feeling that he is not the champion we should choose to defend our position as believers in the miraculous.

We pass to another main department of Dr. Farrar's work—the Teaching of Christ. And here we find ourselves for the most part so thoroughly at one with the writer, so often struck by the original lights he throws upon well-known passages, so frequently indebted to him for the illustrations which always seem to lie ready burnished for use in the rich storehouse of his memory, that we are tempted to wish that instead of writing 'The Life of Christ,' for which on many grounds we find it difficult to render him even the thanks which are his due, he had confined himself to giving us a series of chapters upon the aspects of that life in its bearing upon human necessities and human conduct. It is a commonplace that writers who possess a combination of brilliant qualities are by no means the best judges of what constitutes their chief strength; and from the naive indications of a more than ordinarily sensitive temperament, which we find in these volumes, we fear that Dr. Farrar may feel aggrieved that we have been unable to assign them a higher critical value. But he will hardly find fault with us for saying

* Vol. i. 168. † Vol. i. 338 ff.

that as a popular teacher we hardly know his equal; and that to have gained by five years of self-denying labour the intelligent ear of thousands for the living words which echo as a dead language from too many pulpits, is an achievement that may well satisfy the most exacting ambition. For the few who may condemn the work for its inadequate recognition of the results of criticism, for its too systematic attempt to realise the divine under human conditions, or for its obvious defects of style, there are numbers—and those by no means the uneducated of society—whose minds are not even abreast with those conclusions which are no longer in dispute between the advanced guards of either camp in theology, who seldom realise at all the gracious presence of Jesus in its natural setting of time and place, and whose senses, though indifferent to what has been called 'the incomparable chiaroscuro' of the original portraiture, are yet susceptible to the more vivid colours of modern painting; and among such we prophesy for Dr. Farrar's work not merely an enduring popularity, but an elevating influence, both moral and intellectual, for which he need fear nothing from the gibe of caricature or the sneer of a self-satisfied criticism.

There is no point upon which Dr. Farrar insists more emphatically, or supports his opinion with a greater weight of learning, than that which has perhaps derived a factitious importance from the interest with which it was incidentally invested in our own pages by the genius of the late Emmanuel Deutsch, namely, the originality of Jesus as a teacher. M. Renan's loose remark to the effect that Hillel, fifty years before Him, had given utterance to aphorisms very analogous to His own—the next step to which is to claim for the chief light of Rabbinism, in some not over-clearly defined sense, the moral parentage of Jesus *—needs but to be confronted, as Dr. Farrar has confronted it in his useful and able excursus, 'Jesus and Hillel,' with the real sayings of the latter, to prove its utter baselessness. But the general result upon our own mind of the Talmudic lore with which Dr. Farrar's 'Life of Christ' is interpenetrated has been considerably to strengthen our conviction of the immeasurable superiority of Jesus to His age. The importance of this testimony can hardly be overrated at a time when the sharp criticism to which the form of the Gospel narratives has been subjected may cause doubt in many unstable minds as to the divinity of their substance. The passage in which our author concludes an able summary of the Sermon on the Mount, by contrasting the teaching of the Jewish Schools

* 'Vie de Jésus,' p. 38.

with

with that of the Divine Master, is one of the most forcible in the whole work.

'The teaching of their scribes was narrow, dogmatic, material. It was cold in manner, frivolous in matter, second-hand, and iterative in its very essence; with no freshness in it, no force, no fire; servile to all authority, opposed to all independence; at once recondite and foolish; at once contemptuous and mean; never passing a hair's breadth beyond the carefully watched boundary line of commentary and precedent; full of balanced inference and orthodox hesitancy and impossible literalism; intricate with legal pettiness and labyrinthine system; elevating mere memory above genius and repetition above originality.'—vol. i. 266.

Lest the picture should seem overdrawn, Dr. Farrar suggests a fair and simple test by which the ordinary reader may, if he please, form his own judgment upon the subject. We have applied the test; we have waded through several *Perakîm* of the French *Berachôth*, and thus far emphatically add our testimony to the truth of the above passage. What might have been accomplished by the magic wand which now, alas, lies buried with its owner in the cemetery of Alexandria, it is not for us to surmise; but it is our belief that poetry has done all that it could to invest the Talmud with a living value, and that research can do no more.

And now for the contrast:—

'This teaching of Jesus was wholly different in its character, and as much grander as the temple of the blue heaven under which it was uttered was grander than stifling synagogue or crowded school. It was preached as each occasion rose, on the hill side, or by the lake, or on the roads, or in the house of the Pharisee, or at the banquet of the Publican; nor was it any sweeter or loftier when it was addressed in the royal portico to the Masters of Israel, than when its only hearers were the ignorant people whom the haughty Pharisees held to be accursed. And there was no reserve in its administration. It flowed forth as sweetly and as lavishly to single listeners as to enraptured crowds; and some of its very richest revelations were vouchsafed neither to rulers nor to multitudes, but to the persecuted outcast of the Jewish synagogue, to the timid inquirer in the lonely midnight, and the frail woman by the noonday well. And it dealt not with scrupulous tithes and ceremonial cleansings, but with the human soul, and human duties and human life—with hope, and charity, and faith. There were no definitions in it, or explanations, or 'scholastic systems,' or philosophic theorising, or implicated mazes of difficult and dubious discussion, but a swift intuitive insight into the very depths of the human heart—even a supreme and daring paradox that, without being fenced round with exceptions or limitations, appealed to the conscience with its irresistible simplicity, and with an absolute

mastery stirred and dominated over the heart. Springing from the depths of holy emotions, it thrilled the being of every listener as with an electric flame. In a word, its authority was the authority of the Divine Incarnate; it was a voice of God speaking in the utterance of man; its austere purity was yet pervaded with tenderest sympathy, and its awful severity with unutterable love. It is, to borrow the image of the wisest of the Latin fathers, a great sea whose smiling surface breaks into refreshing ripples at the feet of our little ones, but into whose unfathomable depths the wisest may gaze with the shudder of amazement and the thrill of love.'—vol. i. 268.

It is impossible in the space at our disposal to do justice to what we feel to be the most valuable element of Dr. Farrar's work—the art, namely, with which he places us in the presence of the Great Teacher, and enables us not merely to follow the trains of His thought, but often to detect their subtle source, or trace them in their secret working upon the minds of friendly or hostile listeners. The chapter entitled 'Teachings of the Journey' (vol. ii. chap. xliv.) will give perhaps a better idea than any other of his expository power; nor would we exclude from our commendation the fine rhetorical close of the chapter, which is both in keeping with the subject—the eschatological discourse of Matt. xxiv., Mark xiv., Luke xvii.—and in our author's most impressive manner.

From what has been already said, it will be seen that we are not of the number of those who were disposed to regard a new Life of Christ as a *desideratum* in our theological literature. The very fact that the present volumes have 'not been written with any direct and special reference to the attacks of sceptical criticism' must preclude the author from claiming for them the sort of value which attaches to more or less similar works, such, for instance, as those of Milman, Neander, and M. de Pressensé, while at the same time it prepares the reader to discover in them an absence of that special motive which gives to each of these constructive efforts a more than ordinary interest. Dean Milman was writing the volume with which his 'History of Christianity' commences at a time when the faith of Germany was staggering under the rationalism of Paulus and his school. Before its publication Strauss had applied a more formidable solvent to the framework of Christianity in the mythical theory of his 'Leben Jesu.' And this, a few years later,* called forth the counterwork of Neander. In more recent times an effort has been made to dissolve the Gospel history by the aid, not of philosophic theory, but of romantic hypothesis; and to the

* In 1837.

captivating

captivating brilliancy of M. Renan's 'Vie de Jésus' M. de Pressensé has replied with all the eloquence of French Protestantism. Widely different in character as these three biographies are, it is not difficult to trace in each the influence of a religious crisis. Thus the work of the English historian exhibits the calm readjustment of faith and reason in a mind that was singularly in advance of its generation. That of the German divine is throughout introspective—a cry wrung from the depths of Christian consciousness by the sacrilegious encroachments of intellectual arrogance. The volume of the French writer is the protest of an enthusiastic but intelligent faith against the suggestions of a refined but shallow sentimentality. It is hardly to be regretted that Dr. Farrar's labours were prompted by no such direct incentive as that which produced either of the works to which we have alluded. He draws unmistakeable inspiration from the fervour of his own belief, from the wide field of his knowledge, from the memory of the scenes he has visited to such good purpose, but he never quite allows us to forget that he is writing, not in fulfilment of a mission, but of a commission. When we have read his own account of the object for which his task was undertaken, we are prepared to find that whatever there is of plan will be subordinate to the details. And such is the case. His 'Life of Christ' is a series of pictures elaborated with conscientious attention to every minute particular, and presenting effects of colour that are generally striking, and often gorgeous; the connection of which, however, depends rather upon the fact that each represents the same central figure under different circumstances, than that all contribute to the ultimate interpretation of it. The pages of the work are a valuable repertory of all that is known, and of many things that were new, at least to us, in regard to the 'human surroundings' of Him who is the subject of them. They supply a useful commentary upon individual incidents of His life and detached portions of His teaching; but they seldom raise us to a higher sense of what He was in idea, or help us to fathom the depths of that mysterious Sonship which He came to reveal. They are full, in short, of eloquent preaching, but we miss in them the voice of the prophet.

To illustrate the view we have expressed, we will refer as briefly as possible in the space that remains to us to Dr. Farrar's treatment of those most significant crises in our Lord's history; the Temptation, the Transfiguration, and the Passion.

The chapter in which the Temptation is dealt with is full of varied interest. Striking lights are thrown from all sides upon the well-known details of the narrative. History, poetry, and mythology

mythology are each in turn laid under contribution. Writers are quoted as widely apart as Tacitus and Bunyan, Shakespeare and Bishop Andrewes. The text is interspersed with animating thoughts and weighty practical lessons. The notes teem with the fruits of study. And yet there is an absence of grasp in the handling of the subject, a want of insight into its real meaning, which disappoints us the more we are dazzled by the beauty of the language. Whatever view he entertained of the nature of that moral struggle which intervened between the baptism of Christ and His first public ministry—and we are surprised that Dr. Farrar should regard the question of its objective or subjective reality as 'a mere matter of exegesis'—it is obvious that throughout our Lord's career there must have been present to His mind that same consciousness of power to divest Himself of the limitations of humanity which on more than one occasion, towards the close, found utterance in words. The question then arises as to the period in His human development at which we may conceive the free and conscious decision to have been made, of which His self-abnegating ministry was the outcome. And in the story of the Temptation—presenting as it does so consummate an analysis of the motives which determine the created will, so perfect a clue to the sacrifice of His own will by the representative Son of Man—we cannot doubt that we possess, adapted to the limited understanding of His followers by the lips of the Truth itself, an account of that inward struggle with the spirit of the world through which He must have passed from the passive consciousness of Messiahship to the active fulfilment of His redemptive mission. The sojourn in the wilderness marks, in our view, the historical commencement of that series of conflicts in which the Son of Man is subsequently found opposed to the 'Prince of this world.' We need conceive of no greater interval between the moments of temptation and the moments of self-conquest than we find between the '*If it be possible*,' and the '*Nevertheless*,' of the last Agony; but it is clear to our mind that the recital is meant to disclose, in concrete form, the principles which underlie the succeeding history. The determination once made by Jesus to throw in His lot with the weakness and wants of human flesh is the necessary prelude to His life of poverty and privation. The resolution once taken neither to court danger in reliance upon superhuman power, nor to free Himself from it by its casual exercise, is the key to many a passage in the sequel, as, for instance, Matt. xxiii. 16, where St. Peter's remonstrance, Ἱλεώς σοι Κύριε· οὐ μὴ ἔσται σοι τοῦτο, is treated as a suggestion of the same spirit which had been silenced for the first time in the wilderness. And lastly, the

the rejection of a false Messiahship in accordance with the hopes, and based upon obedience to the worldly spirit of Judaism, in favour of an inward kingdom to be developed gradually out of apparent failure by the power of the Divine Spirit, admits us to the secret of the entire afterplan—from the refusal to satisfy the craving for signs, to the Cross itself, which was the final answer to the Tempter. In treating this great subject, Dr. Farrar makes a passing allusion to the wide diversity of views entertained by its numerous expositors; but he does not make it clear in what light he regards the narrative himself, whether as history, or as parable, or as the objective presentment of an inward struggle. We are not sure, indeed, whether he recognises any distinction between the two last, seeing that he attributes to Olshausen, Neander, and Ullmann,* an extreme view which is disclaimed by each of these eminent divines. The ambiguity in which we are left as to the author's own opinion is a misfortune inseparable, perhaps, from the too literal treatment of a history which belongs in so great a degree to the sphere of the ideal. But it is necessary to point out that the result of such literal treatment in the present instance has been to reduce the Temptation of our Lord to a single incident in a series, mainly important in its infinite practical bearings upon human life, instead of to represent it as an introductory preface to that series, by means of which a glimpse is afforded us into the inner workings of divine self-sacrifice.

The same inadequacy of treatment is noticeable in Dr. Farrar's account of the Transfiguration. Here, again, we are left in doubt as to whether he conceives himself to be describing objective fact or subjective vision. It may very well be that the ambiguity arises from the uncertainty of his own mind upon the subject, but at any rate we should have expected a more decisive effort to penetrate to the permanent idea which the narrative enshrines. As it is, at the very climax of the 'splendid vision' we are put off with a fine burst of rhetoric from Ruskin's 'Modern Painters,' and the least important part of a note from Alford's 'Greek Testament,'† which barely satisfy the mind that yearns to get beneath the surface. Like the three witnesses, whose astonishment Dr. Farrar paints so graphically, we 'awake from the shock,' and 'gaze suddenly all around' us; but 'all is over. The bright cloud has vanished. The lightning-like gleams of shining countenances and dazzling

* Vol. i. p. 123, *n.*: but cf. Olshausen, 'Bibl. Comment.' vol. i. p. 169 (Clark's For. Theol. Lib.); Neander, 'Life of Jesus,' Part II. ch. i. (Bohn's Transl.); Ullmann, 'Sinlessness of Jesus,' Supplement II., ch. ii. (Clark's For. Theol. Lib.).

† Vol. ii. 27.

robes

robes have passed away.' We are 'alone with Jesus, and only the stars rain their quiet lustre on the mountain slopes.' But is this all?—all that eighteen centuries of thought have been able to discover in this ecstasy of Christ with the shadows of death compassing Him round? We believe that Dr. Farrar would have found help to unlock the mystery in words he quotes elsewhere: 'God, who at sundry times, and in divers manners, spake in time past unto the fathers by the prophets,' speaks here, amidst the solitudes of Lebanon, as once before He had spoken at the waters of Jordan, 'by a Son' *—His well-beloved, the image of perfect life in union with Himself. The revelation was sealed to the eyes of the three chosen instruments who witnessed its outward splendour; but we, the recipients of their testimony, have the light of all religious history by which to interpret it: and for us it is no 'splendid vision' merely, but a living idea; for in the person of Jesus, as 'He talked of His decease which He should accomplish at Jerusalem,' humanity itself is seen transfigured with the glory of self-devotion.

When we arrive at the last great crisis of the Sacred Life, in dealing with which Dr. Farrar's peculiar genius is more strikingly displayed than in any other portion of his work, we become still more conscious of the want of an interpreting idea. As each scene of the awful drama is unfolded before us with a realism that constantly reminds us of Ober-Ammergau, the mind is swayed by successive impulses of admiration, pity, and horror, but fails through the external representation to obtain real insight into the meaning of the great sacrifice. Dogmatical definition is not what we desiderate: our author steers happily clear of the doctrinal rocks which lie in his path, and no doubt the general acceptability of his work is due in large measure to his careful avoidance of the shibboleths of party. But what we miss, or rather what we feel to be obscured by the intensity of light he throws upon the human figure of the Sufferer, is the grandeur of that divine idea which transfigures the Cross, and, through it, the whole sphere of moral and religious conflict. It is in the passion of the Son of Man that the revelation of the Son of God is consummated. From the first prayer of filial obedience in Gethsemane to the last utterance of filial trust upon the cross, this thought is never absent from the evangelic narratives. It is this which pervades the teaching of St. Paul, and that of the Epistle to the Hebrews,† opening up the mystery of atonement for sin, and supplying the criterion by which all doctrines, whether of sacrifice, satisfaction, or substi-

* Heb. i. 1.

† Compare Col. i. 12–20 with Heb. v. 8 ff.

tution,

tution, must ultimately be tested. View the Cross from what point we may, the expression of the individual faith merges in the universal conviction ἀληθῶς υἱὸς Θεοῦ ἦν οὗτος: * for it is through participation in this ideal Sonship, interpret it how we will, that obedience unto death has become possible to sinful man. But the thought is not grasped in Dr. Farrar's powerful pages. Its introduction from time to time adds a touching grace to the words of the Divine Sufferer: it is not made, as we could wish that it had been, an index to the meaning of His passion. Take, for instance, the following words, true as far as they go, but insufficient as an interpretation of the great *Consummatum est* of the Ideal Life.

'In the words of the sweet Psalmist of Israel, but adding to them that title of trustful love which, through Him, is permitted to all mankind, "Father," he said, "into Thy hands I commend my spirit." Then, with one more great effort, He uttered the last cry—the one victorious word—"τετέλεσται," "It is finished." It may be that that great cry ruptured some of the vessels of His heart; for no sooner had it been uttered than He bowed His head upon His breast, and yielded His life, a "ransom for many"—a willing sacrifice to His Heavenly Father. "Finished was His holy life; with His life His struggle; with His struggle His work; with His work His redemption; with the redemption the foundation of the new world."'—vol. ii. p. 418.

Lange, who is here quoted, with a truer insight into the spiritual significance of the words, represents our Lord's cry, '*It is finished,*' as preceding the commendation of His Spirit to the Father. We cannot surrender the thought which is suggested by this order. He who from His earliest years had been occupied ἐν τοῖς τοῦ πατρός †—whose life-long sustenance had been ἵνα ποιῶ τὸ θέλημα τοῦ πέμψαντός με καὶ τελειώσω αὐτοῦ τὸ ἔργον,‡ claims the Father's recognition now that His work is done; and in this claim is rooted the confidence of Faith, that to him who can even stammer the divine τετέλεσται, death, even under circumstances of extreme horror, is but the surrender of life into the hands of a loving Father.

Dr. Farrar dwells with much eloquence here, as in his Hulsean Lectures, upon the historical effects of the work of Christ; where we think he fails, is in drawing out the leading idea which gives to that work its unity, and its power over the hearts of men. We close his narrative of the Passion with a far clearer apprehension than before of the hideous tragedy which was enacted in Judea eighteen centuries ago, but the effect of this upon the mind is the reverse of that which he intended. His vivid delineation

* Matt. xxvii. 54. † Luke ii. 49. ‡ John iv. 34.

of

of the physical suffering tends to remove the Cross to a distance from our own experience. So much we have felt it necessary to say in detraction from the merits of a really noble composition: and in justice to the author we must now point out how very ably he has treated the last scenes of the life of Jesus historically. Allowing for the faults of a style, which here as elsewhere we could wish less ornate and less vehement, we do not believe that there is anywhere to be found a more lucid and reasonable exposition of that most intricate subject, the trial and condemnation of Christ, than is contained in these pages. Here where the Sacred Life is brought into immediate contact with profane history, and its incidents are recorded with increased minuteness of detail, the harmonist of the Gospels treads on surer ground; and when Dr. Farrar tells us that, 'after repeated study, he declares, quite fearlessly, that though the slight variations are numerous—though the lesser particulars cannot in every instance be rigidly and minutely accurate—though no one of the narratives taken singly would give us an adequate impression—yet so far from there being in this part of the Gospel story any irremediable contradiction, it is perfectly possible to discover how one Evangelist supplements the details furnished by another, and perfectly possible to understand the true sequence of the incidents;* we follow him with less of critical jealousy than before, and we are certainly not disappointed in the result of his investigation. For his able treatment of the whole subject we refer the reader to the work itself; a few points however deserve special notice. Dr. Farrar is particularly suggestive in respect to the relation of the family of Hanan, and of the Sadducees generally, to the conspiracy against Jesus.† He traces the almost unaccountable fury of the Chief Priests under this 'alien and intriguing hierarch' to our Lord's words and acts concerning that House of God which they regarded as their exclusive domain, and above all, to His 'second cleansing of the Temple.' It was these leaders of the Sanhedrin who had founded the Chanujôth, or shops for the sale of sacrificial victims upon Olivet; and there can be little doubt that it was the profitableness of the trade which had caused its extension to the Temple courts. Hence their extreme animosity is traced to revenge for the interference of Jesus with their sacrilegious gains; and it must be owned that the suggestion derives incidental confirmation from the singular withdrawal of the Pharisaic, or ritualistic party, who must in their hearts have approved our Lord's zeal for the sanctity of the Temple, from all active co-

* Vol. ii. 326. † Ch. lviii.

operation

operation in the steps which accompanied His actual condemnation and execution.* The theory is worked out with much ingenuity; and it is interesting to find that our author's Talmudic studies should have led him independently to a conclusion, for which the minds of many of his readers will have been prepared, by the dramatic use made of the cleansing of the Temple in the Bavarian Passion Play of 1871. Dr. Farrar's treatment of the 'sixfold trial' which results in his view from a harmony of the Gospel accounts, is full of subtle insight into the probable motives of the chief actors in the iniquity. We may specially refer to his portrayal of the character of Pilate, though we think he goes too far in attributing the exclamation, '*Behold your King!*' to 'a genuine flash of conviction.' We must also acknowledge the power with which he paints the Crucifixion, though the knowledge and the love of art which he displays in these volumes might, we think, have suggested more reticence in the description of it. The disuse of ages has consigned the horrors of the cross to oblivion; and nothing is gained by disturbing that ideal sanctity with which the progressive reverence of mankind has invested the remembrance of them. Much that he tells us in relation to the last scenes of the Saviour's life we could have wished had been left in the learned articles contributed by him, some years ago, to Dr. Smith's 'Dictionary of the Bible.' The life and movement of the scene are capable of being represented—witness Tintoretto's 'Crucifixion'—apart from the naked presentment of its brutalities; and the admission of the latter into the pages of a Life of Christ is no less foreign to the true taste of realistic conception, than their reproduction upon the painter's canvas.

We must express our regret, too, that Dr. Farrar should have given any countenance to that invention of degraded art which has found its ultimate expression in the 'Stations of the Cross.' The Evangelists preserve a remarkable silence as to the cause which led to the compulsion of Simon the Cyrenian; and, to add to the dignified statement of St. John, *καὶ βαστάζων αὐτῷ τὸν σταυρὸν ἐξῆλθεν*,† a supplement of 'tottering footsteps, if not actual falls,' is not only to encourage belief in a tradition for which there is no foundation, but to sacrifice the ideal aspect of the narrative through which 'the bearing of the Cross' has become 'one of the most solemn, and, for daily example, the most necessary of types.' ‡ In the absence of any explanation, we cling to what seems to us the truer sentiment, namely, that

* Vol. ii. 332.
† John xix. 17; Luke xxiii. 26.
‡ Mrs. Jameson, 'History of Our Lord in Art.' Vol. ii. 115.

Jesus

Jesus never quitted His hold of the cross. The stricter interpretation of St. John's words points to this: St. Luke's expression, ἐπέθηκαν αὐτῷ τὸν σταυρὸν φέρειν ὄπισθεν τοῦ Ἰησοῦ, is perfectly consistent with the idea, and the use of αἴρω (lift) by St. Matthew and St. Mark, instead of St. John's word βαστάζω (carry), to describe the assistance rendered by Simon, would seem, if anything, to favour it.

In the final chapter of Dr. Farrar's work, there are evident traces of the pressure under which it was completed. How, indeed, amidst the arduous duties of a headmaster's life, time was found to write such a book at all, may well excite astonishment; but after studying his elaborate chapters upon the Passion, we cannot but be sensible of an anti-climax in his treatment of the Resurrection. We are not clear as to the sense he intends us to put upon the sentence of Tertullian with which he heads the chapter; but it does not seem to us that the writer of a new Life of Christ can afford to dismiss in 'a few words,' a subject upon which the faith of those for whom he writes has of late been so rudely assailed. It may be that 'the *lacunæ*, the compressions, the variations, the actual differences, the subjectivity of the narrators as affected by spiritual revelations, render all harmonies at the best uncertain;'* but this, though a good reason for not attempting a harmony, makes it all the more important for the orthodox writer to explain as distinctly as lies in his power, why he accepts the Resurrection as a fact notwithstanding, and what he conceives to be the value of the post-resurrection narratives as evidence of its truth. It must necessarily be that one whose object it has been all along to give objective reality to our conceptions of the Lord's life on earth should find the ground suddenly fail him here. Beside the open grave he is met by a '*Noli me tangere*,' which should direct his investigation to a higher unity than is perceptible by sense. The phenomena presented by the Gospels are not 'exactly such as we should expect,' nor is their peculiar character to be accounted for by the uncertainties of 'oral tradition,' or the laxity of the period at which they were written in regard to 'minute circumstantial accuracy.' Such explanations are but futile attempts after all to recall within the grasp of history a revelation which has been conveyed through history, but which transcends it, and nowhere more evidently so than in its commencement and its close. We could wish, then, that Dr. Farrar had set himself to trace something of that higher harmony which binds these 'broken lights' of the Resurrection together, and

* Vol. ii. 432, *n.*

forces

forces upon the spiritual mind a conviction of their truth, stronger than any suspicion of falsity which may be suggested by their external incoherence. As it is, he has placed them side by side like the fragments of some beautiful mosaic of which the original design is lost, instead of leaving upon the minds of his readers that final impression of their unity which springs from contemplating them—to borrow the words of one of his favourite authorities—'as distinct images of the signs and results of Christ's victory,' as 'lessons of divine truth embodied in representative facts.'*

We have said enough—perhaps more than enough—to indicate what we feel to be the gravest defect of the work before us. Had Dr. Farrar not been writing 'as a believer to believers,' he might have claimed exemption from all obligation to deal with the history in its theological aspects; but his attempt to represent the Life of Christ in its 'human surroundings,' apart from those ideas which are the basis of its unity, seems to us a mistaken effort. The Jesus of Dr. Farrar's life is He who played, a sinless child, among the flowers of Nazareth; the saintly teacher whom Galilean fishermen adored in the simplicity of their ignorant literalism; the holy martyr in whom his Roman executioner recognised a veritable Son of God; it is seldom He in whom humanity beholds itself ideally portrayed. The subject of his narrative moves before us like one of ourselves; save that at times He is withdrawn into a region of mystery, or works wonders that are beyond our faculties to explain. It is a beautiful and a striking picture—the picture, notwithstanding Dr. Farrar's efforts to the contrary, of a superhuman man, painted, so far as was possible, in the colours of our own and of past experience. But the Christ of the Gospels is no superhuman man. Through these fragmentary media we catch glimpses of a Divine radiance that is obscured in the endeavour to piece them together. 'I write the Life of Christ?—I?', said Lavater, 'Never; the Evangelists have written it as it can and ought to be written.' And his instinct was true. The Life that is itself the keystone in the arch of history, binding two worlds together, the present and the past, has nothing to gain by reconstruction. To enable mankind to realise its meaning, this is a legitimate, nay, the highest aim of the individual, be he critic, artist, antiquarian, or theologian: but to recast the Life itself—to translate the inspired poetry of its origin into the prose of common day, to represent its ideal progression in the chronological sequence of history, to bring the divine

* Westcott, 'Introduction to the Study of the Gospels,' ch. vi. p. 307.

mystery

mystery of its close within the grasp of finite sense—this is to attempt the impossible, and in so far as he has made the attempt Dr. Farrar has failed.

But not 'finally' or 'wholly.' Often as we proceeded in our study of his pages we were reminded of that crumbling wall in the refectory of Sta. Maria delle Grazie at Milan, on which may still be traced, in spite of the ravages of time, in spite of misguided restoration, and even wanton violence, the incomparable shadow of Da Vinci's Christ. To some minds the ruin of the *Cena* speaks with more power than the most exquisite engraving, or the best authenticated copy. The outline may be marred, and the colours blurred, but the skilled eye interprets for itself each attitude of the surrounding group more effectually through the expression of that spectral form than by the help of modern reproduction. Not so the generality. Baffled and disappointed by the dimness of the original, we turn, most of us, with gratitude to the easel of the copyist; and though the figures on his canvas be slightly sensational, and the colours somewhat garish, if he have treated his theme with reverent care and an enthusiastic love, we return to the masterpiece with clearer notions of what to seek for, and minds better prepared to feel the inspired beauty of the painter's conception. And such as this, if we are right in our interpretation of his Preface, has been our author's highest aim. 'To fill the minds of those who read his pages with solemn and not ignoble thoughts, "to add sunlight to daylight by making the happy happier," to encourage the toiler, to console the sorrowful, to point the weak to the one true source of moral strength'*—these are the high ends to which he desires that his work may be blest, and we may safely promise him that he will not be disappointed.

ART. VI.—*Reports of the Royal Commission on Friendly and Benefit Building Societies*, 1872–4.

SOME years ago practical men in most parts of England began to be shocked at the terrible sufferings inflicted on their poorer neighbours by the failure of the Friendly Societies on which they had relied. But public opinion was hardly at first aroused. It was not until Mr. Tidd Pratt, the late Registrar of Friendly Societies, made the famous statement in one of his

* Vol. i. Pref. vi.

Reports,

Reports, that out of some 23,000 such societies in England and Wales he could not satisfy himself of the solvency of twenty, that the necessity for inquiry became apparent. And yet he was speaking only of societies certified by the Registrar, probably outnumbered by those which are unrecognised by the law, and almost all based on unsound principles. This statement, and the general feeling of insecurity produced by it, backed by the energetic advocacy of a few individuals, procured the appointment of the Royal Commission, whose labours have just terminated. Their inquiry has been as searching as the nature of their authority admitted (a Bill to confer on them extended powers having failed in the House of Commons), and we welcome these Reports, with their bulky appendices,* as the best attainable information on a somewhat abstruse subject.

It has been roughly estimated that the Benefit Societies spread through England and Wales now number no less than 32,000, and include four million members, who, with their families, represent eight millions of the population. They are most varied in their character, and distributed in a most perplexing manner. Why, for instance, should Burial Societies thrive especially in Lancashire, Cheshire, and Kent; and Deposit Societies in Hampshire and Surrey? For an exhaustive description of the seventeen various classes of societies, we refer our readers to the very interesting pages of the Fourth Report of the Commissioners, contenting ourselves with a short account of the more important classes only.

The objects aimed at by a working-man in joining these societies are principally an allowance during sickness, and 'burial money' to clear off standing scores, pay funeral expenses, and assist a widow and children through the first days of bereavement. In order to attain these objects it is necessary that men should combine together in sufficient numbers to secure the average results, and that the affairs of the societies should be strictly administered according to a sound system of rules. The earliest attempts at such combinations, the local village clubs, failed in all these requirements. As we pointed out on the last occasion of calling attention to the subject, they attempted to combine conviviality with business to an excessive degree. They not only relied upon eating and drinking, and upon the annual feast as their grand advertisement (as, indeed, it was), but they were constantly promoted by rival publicans to attract custom to their houses. Founded originally with insufficient rates,

* The Reports and Evidence are contained in no less than ten volumes. The Commissioners themselves asked 29,000 questions, besides those asked by the four Assistant Commissioners.

they

they struggled on until their members grew old, or until the rivalry of newly-started clubs attracted the younger men, and compelled the older club to enter into competition for new members, and by lowering their rates or increasing their benefits to keep themselves alive for a few years longer. Then at length came the crash; the younger men joined new clubs, but the older were left to rely upon their virtual superannuation fund, the Poor Rate, which it had been from the first their principal object to avoid.

The number of clubs found competing against each other in a single village is very remarkable. At Cottenham, in Cambridgeshire, there are,

'besides two lodges of the Manchester Unity of Odd Fellows, lodges of Shepherds and Shepherdesses of the Wisbeach Unity, a branch of the Cambridge Town and County Club, promoted by the clergyman, a club at the British school, composed of old men attempting by the help and advice of an active resident medical gentleman to carry on an old club recently broken up, a gathering of Ancient Patriarchs, with agent, belonging to the London society of that name, and two ordinary public house clubs; nine in all. Only one of them had more than 100 members.'—*Sir G. Young's Report*, p. 17.

The average was under 56.

In many other villages, he says,—

'I found three, four, or five clubs; the rivalry of the beershops being the originating cause, far more than any jealousies among the men themselves.

The effect is this: Club A admits members up to the age of 35; in order to counteract that, Club B fixes the age of 40. Club A has to answer that, and thereupon offers full sickness pay for 26 weeks instead of 20. Club B is determined not to be behindhand, and it gives 6*l.* for funeral money instead of 5*l.*, and pays the expenses of the anniversary dinner out of the box. So that a competition is kept up which must inevitably end in the breaking up of both societies. The general impression appears to be, that there is always room for another club, where the population is large enough to supply a good number of lads to reach the age of admission every year. Many of these village clubs are therefore so small, that their failure is inevitable. In the Poor Law Union of Banbury, no less than 25 clubs out of the 54 had less than 40 members.* Even in the Manchester Unity

* The societies in this union afford a very good picture of the condition of many country districts. Out of a population of 31,208, no less than 10,334 belong to Friendly Societies. There are five branches of the great orders (averaging 75 members

Unity of Odd Fellows no less than 311 branches, and in the order of Foresters 520 branches, had less than 30 members each in 1870.

The tendency of many of these village clubs is to depend a great deal too much upon honorary subscriptions. They have, perhaps, been originally started by an energetic clergyman, who has persuaded a few neighbouring squires and farmers to give a handsome contribution. As years go on, and they die off, their successors cease to feel an interest in the club, or (seeing that it is badly managed) withdraw their assistance. The club struggles on for a year, and then breaks up.* Nothing is more clear than that a local club ought to be self-supporting as regards all the benefits which it promises, and to rely upon the subscriptions of honorary members only for diminishing the necessary levy for management, or for increasing the attractions of the annual feast.

In many districts the old 'sharing-out clubs' have nearly died out; in all (except, perhaps, West Lancashire) they have greatly diminished in number. Our readers need scarcely be told that the principle of these societies is to divide the funds among the members every year, or after a fixed number of years, and to make a fresh start. Sometimes each member leaves a certain sum in the box. Of course, when a man gets old, or by constant sickness causes an excessive drain upon the funds, he is quietly dropped out of the club at the division. 'In all these clubs the old men invariably leave and look to the parish.' The Rev. J. Y. Stratton, of Ditton, whose great experience has enabled him to supply most valuable information upon this subject, remarks of these, that they impede the work of an ordinary Friendly Society, lead to direct evil, and pauperise the population (Q. 8539, &c.). Sir George Young calls their decline one of the most satisfactory circumstances observable in the recent history of Friendly Societies, and he attributes it to

75 members and 5¾*l.* per member), and 49 other clubs (averaging 51 members and 3¾*l.* per member); 19 are unregistered. The funds per member are much swollen from the largest club, of 140 members, having nearly 12*l.* per member. 'One thing that has caused a deal of dissatisfaction in this neighbourhood is that when Mr. Tidd Pratt enrolled the rules, he erased the rule providing for an annual dinner. When the payment for the dinner ceased to be compulsory, many members ceased to attend; thus their interest in the club went out, and the societies have in many cases broken up.'

* In Dudley there are registered 12 societies, popularly known as the Tory Clubs. They were started after the Reform Bill of 1832, and were largely supported by the aristocracy of the town. 'But as the subscriptions of the honorary members fell off, so did the zeal of the other members grow cold; and whereas there used to be a dozen, with some 60 or 70 members each, now there are only four left.'—*Mr. Stanley's Report*, p. 190.

the state of the law, which forbids such societies to be registered. We are at a loss to imagine why, in the face of such evidence, the Royal Commission recommends that these societies should in future be recognised by the law.

The fact is, that a sound club in a small village, standing by itself, is almost an impossibility. The only way to obtain financial security, especially in the case of payment for old age and at death, is to be found in an extension of area; and two agencies, with this object in view, have of late years been at work in the country.

The first is that of the Patronised Societies. The numerous failures which have taken place throughout the country, and the widespread distress which they have occasioned, induced many of the landowners and clergy to establish what are known as the 'County Friendly Societies.' The most successful of these are

	Number of Members.	Funds.
		£
The Essex Provident ..	9315	76,000
The Wiltshire Friendly	7130	31,500
The Hampshire Friendly	6322	46,500
The Dorset Friendly ..	2732	11,750
The Kent Friendly ..	850	25,500

But the total number of these patronised societies is small, including probably only some 40,000 members, although a considerable number of other localised societies, confined to one district or group of parishes, are of exactly a similar type.

The principle upon which these societies are founded is that of management by the honorary members. There is no doubt that in the country districts at any rate it is extremely difficult to find men really capable of conducting the affairs of a benefit club, and that the only means of checking the almost irresistible temptation to compete with other clubs, and of securing an adherence to sound principles, is to place the real power entirely in the hands of a central executive deriving no benefit from the funds. Their branch committees are generally mere shadows, and often consist 'in reality of the paid agent alone.' This safeguard has not, however, proved universally successful. The Essex Provident, the largest of all, was unfortunately founded with insufficient rates, and for more than twenty-five years the society has been struggling under the weight

weight of a gigantic deficit, which in 1872 amounted to no less than 79,000*l.*

Nor have the societies themselves generally proved to be attractive. Very little attempt is made to 'push' them in country districts, and they are deficient in the attractions which boozing at the monthly meetings and the annual feast hold out in other cases. To this the Hampshire County is an exception:—

'By means of what we call festivals (that is to say a jollification promoted in each parish where we have a branch) a vast amount of information is distributed, good fellowship and good understanding are promoted between different classes, and a vast social improvement has been carried on.'—*Right Hon. T. H. Sotheron-Estcourt*, Q. 661.

As an instance of the small support given by the working-class to what we have called 'patronised societies,' even where their financial success is assumed, we may quote the case of the Hitchin Friendly Institution, nearly fifty years old, the whole expenditure of which (including claims) is always paid out of interest received from money judiciously invested. And yet the number of members is diminishing, which the secretary attributes to the attraction of conviviality at public-houses offered by the other clubs, but which we cannot help believing to be especially due to the fact that the honorary members constitute a majority of the board of management. Patronage and any form of interference with their concerns is looked upon with jealousy by the classes for whom these societies are formed; and in the present unhappy state of the relations between employer and employed in the agricultural districts, and the increased hold which combination under their own management has gained upon the labourers, it seems hardly likely that this class of society will make any considerable advance.

Another class of societies maintained by patronage consists of those among railway servants, miners, and colliers. In some cases membership is made compulsory, and the contributions are deducted from their weekly wages. In return for this a liberal subsidy is contributed by the employers. Whether any false confidence has arisen out of this subsidy, or general laxity of administration has been produced out of mere carelessness, these societies are generally unsound. And

'we say little,' write the Royal Commissioners, 'when we point out that they who exert pressure on their servants to become members of any given Friendly Society, take on themselves a grave responsibility, and should at least be entirely confident that the principles and management of the particular society are in every way sound and certain to work out their promised results; but even if these points were satisfactorily assured, it remains to be observed that compulsory

membership and the making of membership to cease or be less beneficial, if and when the employment ceases, necessitates undue dependence of the employed on the employer, and fetters the free action of the former.'*—*Fourth Report*, p. 292.

The second agency to which we have alluded as exercising of recent years an important influence over the old local clubs is that of the 'Affiliated orders,'† the clubs of highest organisation among those invented by working men to suit their own wants, and at the present moment greatly surpassing all others in popularity. 'Everywhere that I have been,' says Sir G. Young, 'I have heard the same story from the members of the smaller local clubs, "We cannot stand against the great orders."'

The two principal orders, the Manchester Unity of Odd Fellows, and the Ancient Order of Foresters, are well known. Each fully developed order consists, first, of the primary branches or lodges; then of the 'districts,' comprising groups of branches associated together in order to secure a larger area for certain forms of insurance; and lastly of the central executive, composed of delegates from the various branches. The development of this system reflects the greatest credit upon the working classes of this country, and has spread throughout England more satis-

* 'There is much complaint of these compulsory clubs in Staffordshire and Worcestershire. Near Dudley the contribution is stopped out of the men's wages, although the men do not approve of it. The men have no voice in the management, although the masters give no subscriptions. There is no balance-sheet, and no audit of the accounts.'—*Mr. Stanley's Report*, p. 172.

† The following table shows the condition of all the principal orders. The total number of the members is stated at 1,325,000:—

	Lodges or Courts.	Approximate Number of Members.
Odd Fellows, Manchester Unity of[1]	4003	470,000
Foresters, Ancient Order of[2]	4080	422,000
Odd Fellows, Grand United Order of	..	63,400
Druids, Order of	988	57,000
Shepherds, Loyal Order of Ancient (Ashton Unity)	1539	45,500
Odd Fellows, Nottingham Order of	574 (?)	40,000
Odd Fellows, National Independent Order of ..	..	34,600
Free Gardeners, United Order of	546	33,000
Odd Fellows, United Order of (Bolton Unity) ..	370	22,000
Druids, Ancient Order of	285	19,300
True Ivorites, St. David's Unity of	272	18,000

[1] Of these, 452 lodges, with 33,125 members, are in the colonies, and no less than 139 lodges in the colony of Victoria alone.

[2] Of these, 342 lodges, with 21,700 members, are in the colonies and abroad, and no less than 112 lodges in Victoria.

factory

factory ideas of friendly society management. The Odd Fellows, in particular, have set a noble example, especially in the successive steps which they have taken towards the attainment of financial security, and in their efficient and inexpensive management. The Foresters are, in most respects, 'half a generation behind them,' but very greatly excel in their turn all the smaller orders.*

The great cause of their success has been the popularity of their management. Local interest is stimulated, and many men very much prefer entering a society of which they may not unreasonably look forward to becoming the responsible managers. This love of office has, however, in many cases a tendency to the undue multiplication of orders. The founder of a new order is a man of mark, and if he is able to announce his adherence to some popular rule or custom, which the original order is endeavouring to reform, he is almost assured of success. It is in this way that the wholesome reforms of the Manchester Unity have from time to time led to very large secessions from that order.

But these great affiliated orders, popular as they are in the country districts, have not as yet admitted many members of the agricultural labouring class.† Here and there a lodge is to be found which has fixed its rates of insurance in proportion to the agricultural wages of the district. More often they are framed rather for the artisan class, and the members consider themselves to be in a superior position in the social scale to the ordinary farm labourer. But the extension of these organisations to that class would be at any rate a vast improvement upon the existing state of things.

The last class of societies which it will be necessary to notice are the Burial Societies, either *local* or *general*, the latter being in reality only 'insurance offices, conducted principally for the benefit of the office holders, and only incidentally for that of the assured.'

The local Burial societies have had their origin in the desire existing among working-men, on the decease of one of their fellows, to collect a small sum for his funeral and for his widow. They exist in almost every large town in England, and in some have attained an extraordinary development.* No less than 550,000 persons in England and Wales are members of this class of society. In the town of Preston alone, the various burial societies contain no less than 108,000 members, although

* Speaking of the two great affiliated orders, Mr. Neison says their expense of management will compare most favourably with that of any similar organisation.

† Only 7½ per cent. of the members of the Manchester Unity are classed as labourers in rural districts, and this description includes many artisans.

the

the population of the town is only 86,000. Allowing for a great deal of double insurance, it is clear that every man, woman, and child in the town, is connected with some society.

These local societies ought to be, and very often are, cheaply managed, but they lay no claim to solvency in the sense which an actuary would attach to it. They very seldom retain in hand more than a few shillings per member, but they rely upon what was the original principle of such societies, the power of levying a certain sum per head to meet the annual payments. They are somewhat tainted by drinking habits, from the fact of their generally meeting at public-houses. Where these societies employ collectors, they to some extent exhibit the same abuses as the larger class which we are about to describe.

The General Burial or Collecting Societies* have their head-quarters in some large town, in most cases Liverpool, but their ramifications extend over the whole country. The actual number of members belonging to them in the United Kingdom is nearly a million and a half; but owing to the deductions which must be made for double insurance and for the large number of infants, the adult members of these societies is believed not to exceed from 550,000 to 600,000, representing 'generally the least intelligent portion of the class insured in Friendly Societies.' These insurance offices are established by 'persons receiving large salaries as treasurers, secretaries, directors, and committee-men, having agents and collectors, also well paid, in all the principal towns.' A short account of the largest of them will illustrate the system employed. In the Royal Liver,

* The following list comprises the principal of the General Burial Societies:—

	Head-Quarters.	Members.	Funds.	Funds per Member.
			£	s. d.
Royal Liver Friendly	Liverpool	550,000	264,795	9 7
Liverpool Victoria Legal	,,	200,000	49,159	4 11
United Assurance (St. Patrick's)	,,	140,000	15,311	2 2
Royal Oak	,,	50,000	12,370	5 0
Loyal Philanthropic	,,	45,800	18,373	8 0
Liverpool Protection	,,	48,132	16,978	7 1
St. Anne's Catholic	,,	Under 20,000	1,477	1 6
Scottish Legal	Glasgow	216,343	54,982	5 1
City of Glasgow	,,	24,000	7,571	6 3
Integrity Life	London	42,000	2,675	1 3
Royal London	,,	25,000	4,964	4 0
Swansea Royal	Swansea	17,600	428	0 6
In 20 such Societies	..	1,426,073	461,605	6 6

a board

a board of management, composed mainly of persons originally collectors, exercise the whole authority. The treasurer receives 624*l.* a year, two committee-men, 800*l.* a year (Q. 22,422), and six others, 520*l.* Five of these in addition have collecting books, with the usual profits (Q. 22,406). There are 300 agents; a number of collectors estimated by one member of the committee at 1000, and by another at 1500 to 2000; and lastly, travelling agents or inspectors. The collectors are men 'educated only to a certain point, just to the standard of the poor people' (Q. 22,385), 'not the best adapted for understanding figures, or making additions, so that more or less there are deficiencies in almost every collecting book' (Q. 22,383). Their remuneration consists of 25 per cent. on collections and other perquisites, the amount of which must depend on the energy and perseverance of the individual. The solicitor to the society had heard of collecting books realising as much as 30*l.* per week, or 400*l.* a year. The rules contain no provision for the election of the committee. They are nominally subject to the annual general meeting, but such 'meetings are a mere farce' (Q. 23,380). The collectors attend the meetings, are not permitted to interfere either directly or indirectly, to speak or make any proposition, but they vote, procure the attendance of members, and are expected to support the management. The meetings take place in Liverpool, in which town only a small proportion of the members reside.

Here is a description of a general meeting of a similar society, the Scottish Legal, at Glasgow. 'Q. 11,544. Have you ever heard of the collectors having had their travelling expenses paid to come up to meetings?—Yes; I have heard it from themselves. Q. 11,545. Was that done frequently?—Frequently; not only for them, but for their friends, and for any persons whether members or not whom they could influence to attend those meetings, whether through the prospect of a trip to Glasgow or in any other way; . . . each of those collectors who had his party with him took his seat beside his own party, and he would hold up a white handkerchief, and if they did not vote the way he indicated, they had to find their own way back to the locality they came from themselves, and even to look out to pay their own lodgings for the night. Q. 11,546. But if they voted right, they got their travelling expenses and their lodgings?—Yes, and generally a free table.' It is clear that in these cases the committee is practically permanent and absolute, and that the members have no check whatever on their proceedings. All that an ordinary member knows of the society is that the collector, who has induced him to enter it, gives him a card upon which his weekly

weekly payments are entered, calls upon him week by week to receive them, and generally never leaves him alone till he has entered also the names of his family.

But another result of the proprietary rights which are allowed to each collector is that sometimes the owner of the book is a widow or an old man entirely incapacitated from acting. In such cases the real collection is made by a man at fixed wages, who has no interest in the society, and who, finding that new members, with their entrance fees, pay him better than old ones (Fourth Report, 500), often performs his duty in a careless and unsatisfactory manner. Many poor persons are entirely dropped out of the society, especially if they are doubtful members, and some are actually allowed to lose their rights, without any fault of their own, owing to the omission of the collector to call upon them. That this is a real and not an imaginary grievance is shown by the fact that the secretary to the Royal London Friendly Society calculates that 'at least *two-thirds* of the people who become insured in an office and in similar institutions' (the secretary to the Integrity puts the proportion as high as two-thirds *or three-fifths*) '*allow their policies to lapse*, and consequently deprive themselves of benefit.' A society of this sort may, therefore, be said to live by its lapses, 'or, in other words, by confiscation of the premiums of its members' (Fourth Report, 505).

But we are obliged to add that in some of these societies there is not only mismanagement, but also fraud. The Society of St. Patrick's, now called the United Assurance Friendly, which contains 140,000 members, is perhaps the most audacious instance of both; and 'though there is nothing going on now equal to what used to be in the days of the former secretary,' yet our readers will find in Mr. Stanley's account a good idea of what has gone on and is still going on unchecked in a large society of this type:—

'In the time of Mr. Treacy (the late secretary), the society was concentrated into him alone. There was never a committee meeting nor an audit, and he did what seemed good in his own eyes. The natural result of this was that claims were unpaid and disputed on frivolous pretexts, and that Mr. Treacy made away with the property of the society to the extent of at least 7000*l.* or 8000*l.* The society in those days had a Roman Catholic character; it worked among the Irish, and was under the patronage of the Roman Catholic clergy. As the scandal grew more and more notorious, an attempt was made by some of the Liverpool priests to introduce a reform, and Mr. Hugh Caraher was put on the committee. When he tried to make his office a reality, he found that such a course did not at all fall in with Mr. Treacy's views; and in the struggle which ensued, Mr. Caraher, backed by some of the independent members of the society, fought Mr.

Mr. Treacy and the officials in public meetings and in the law courts for years. But Mr. Treacy, aided by congenial lawyers, and disposing of all the funds, held Mr. Caraher at bay for a long time; and when at length a barren judgment was obtained against him, and he disappeared from public view to avoid attachment, he still held his office, and drew his salary till his death some months after. Meantime, his adherents held the principal offices, and on his death they brought in the present secretary and appointed him to his office, after stipulating with him that he should pay an annuity to the widow of Treacy, who up to the sitting of the Commission in Liverpool occupied a house bought for her with the funds of the society. Not only were all the costs of Mr. Treacy paid out of the funds of the society, but when this gang had wearied out those who sought to reform the management, they celebrated their victory by a banquet of the collectors, and Mr. Norden, the attorney who had defended Treacy; and wound up the proceedings by presenting him with a gold watch, costing 40*l.*, also bought from the society's funds, and bearing a complimentary inscription. As might be expected, Mr. Norden is still the consulting solicitor of the society. Their present practices may be seen in detail in the evidence; but though the society is guilty even yet of such minor offences as cooked balance-sheets, fictitious entries of capital, and the embezzlement by committee-men of sums exceeding 70*l.*, which defalcations have extended unchecked over years, yet there is nothing now worth noticing compared with the grandiose villany of former years.'—*Mr. Stanley's Report*, p. 30.

Another fact deserving serious attention in connection with these societies is that, consisting as they do to an enormous extent of very young children, they hold out a terrible temptation to unprincipled persons to insure their children, and then to allow them to die. A large proportion of these children are insured in several different societies, so that the sum paid at the death of a child is far more than sufficient to provide a decent burial. In one case a child was insured 'in eight societies, which would have produced 30*l.* at death' (Mr. Stanley's Report, p. 68). Then we find that some of the large burial societies do experience an excessive rate of infant mortality. In the Blackburn Philanthropic it was 1080 under ten years of age out of a total of 2017; in the Chorley Family and the Stalybridge Good Intent it was 40 per cent. under two years of age; and in Macclesfield it has been especially observed that the means adopted in that town to check re-insurance have had a remarkable effect in checking infant mortality (Fourth Report, 574–5).

We do not wish to attach undue importance to these facts. The Commissioners themselves, owing to the unfortunate limitation of their powers, were unable to examine this question thoroughly; but the evidence which they have obtained will justify

justify us in saying that (whether there is any foundation for this terrible suggestion or not) there is strong ground for removing the temptation to such practices by legislative interference. In the Bill introduced by the present Government, during the past session, it was proposed to limit the amount for which any infant may be insured to such a sum as will suffice to defray the actual cost of burial, and to take measures to prevent re-insurance; and thus to check the evil without discouraging the laudable desire on the part of the working-classes to save themselves from the degradation of seeing their children buried by the parish.

Other proposals in the Government Bill were directed at the radical vice of the system—collection, without any control by the members. Every enrolled member was to have a policy given to him, and was not to be allowed to be struck off the list without due notice; and provisions were inserted to prevent the collectors from being, as at present, the real managers of these societies.

The most melancholy reflection suggested by the above review of the Friendly Societies of this country is, that the allegation of general unsoundness is fully borne out by the facts. '*Very few*,' says Mr. Neison, the well-known actuary, 'of the whole number are sound' (Q. 1160). Mr. Patteson, an actuary, and one of the Royal Commissioners, speaks of the great majority as 'to a very large extent insolvent' (Q. 28,521).

Amongst the village clubs the process of breaking up through insolvency is said to 'be going on every day.' 'There is hardly a village or a hamlet of twenty houses and a beershop that has not had its club. There are hardly anywhere one or more clubs that have not failed at need, and disappointed their members, within the memory of persons now living.' (Sir G. Young's Report, p. 16.)

The county societies, with about 40,000 members, appear, on the other hand (with the exception of the Essex Provident), to be generally solvent, 'owing to the high rates which, under actuarial advice,' they think it necessary to exact.

Of the affiliated orders the Commissioners say—

'Rough as is the test of capital per head, and totally inapplicable to some classes of societies, and indeed to all new and rapidly increasing bodies, it is probably sufficient to show that the average funds of the great bulk of the branches of the affiliated orders are inadequate to their liabilities' (Fourth Report, 122). 'It is fair, however, to add that the spirit of improvement may be said to be abroad, however different may be their rate of progress. The Manchester Unity may be said to have taken every step towards security, except the

the final one of enforcing means to meet an ascertained deficiency' (Fourth Report, 157) 'of 1,343,000*l.*'*—*Fourth Report*, 140.

The other orders are in a still less satisfactory position. In the Order of Druids, with 57,000 members, 'it is probable that nine-tenths of the lodges, at least, are insolvent, and a large majority of them hopelessly so. But *habitual repudiation* of their liabilities, by closing the box for a time, or reducing the rate of sick-pay, enable them to pull through' (Mr. Stanley's Report, p. 12). But the General Order is strictly forbidden by the rules to take any cognizance of the financial state of the lodges.

Speaking of ordinary large societies, the Commissioners say that, in point of solvency, 'the verdict must be against them' (Sir G. Young's Report, p. 6); of railway societies, that 'there is good reason to believe that the financial condition of all these societies is unsound' (Fourth Report, 288); of the general burial societies, with one million members, and an amount of funds per member of about 6*s.* 8*d.* (*Id.* 470), that 'untrustworthy accounts are audited in an equally unsatisfactory manner' (*Id.* 521).

We need scarcely say that we do not dwell on these points in order to disparage the efforts made by the working-classes to make provision for themselves. No one can fail to recognise the difficulties they have had to contend with in the want of protection against fraud afforded them by the law, and in the injudicious administration, in many cases, of Poor Law relief; or to admire the gallant struggle now being made by many of their number to overtake their liabilities. It is because we desire to point out the necessity of judicious legislation to assist them in those difficulties, and strengthen the hands of those amongst their number who really desire wholesome reform in their administration, that we do not hesitate to set before our readers the magnitude of the task involved.

On the other hand, it is extremely gratifying to record the gradual diminution of the practice of devoting a portion of the funds intended for other purposes, to drink and feasting. Most

* It is sometimes said that they are insolvent only in the remote actuarial sense, and the observation is not devoid of truth, especially as a society composed entirely of an enormous number of men earning their own living, is in a position to meet its financial difficulties by way of levy or increased contributions. But it must be remembered that, so far as regards sick pay, the lodges are all separate societies, standing entirely on their own basis. Only 3168 lodges have been valued, and of these only 26 per cent. have a surplus, and the average deficiency amounts to 3*l.* 12*s.* 3*d.* per member (or in Lancashire, 5*l.* 12*s.* 7*d.*). 'At this rate the county of Lancaster should have about double its present capital in order to be able to meet its liabilities; and this does not represent the full amount of the deficiency, for in the case of some of the lodges the liability has been reduced by partial repudiation and by bankruptcy.'—*Mr. Stanley's Report*, p. 79.

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of the well-conducted societies have entirely repudiated the practice. In some counties, as in Lincolnshire, it is almost entirely unknown. Lancashire alone enjoys an unenviable notoriety in this respect. This is what takes place in the Salford Funeral Friendly:—

'17,768. Then in fact more than 25 per cent. of the money which is paid out, is paid out for liquor; the total amount paid out is 446*l.* and 120*l.* is of course more than 25 per cent.?—It looks like it.

'17,769. Does the society pay to the publican any sum for rent of rooms occupied in conducting the business?—Not a fraction.

'17,770. This remuneration is derived then solely from the profit upon the liquor consumed in the house?—That is it.

'17,771. If you have to pay 5*l.* for a funeral, do you pay it all in money, or do you pay part of the 5*l.* by a liquor cheque?'

The witness, Mr. Noden, answers that a shilling in the pound of the funeral benefit is paid in liquor; and the examination goes on—

'17,786. Do I correctly understand you to say that the late treasurer bribed the members with a cask of ale in order to get votes at the meeting to retain the meetings at his house?—Yes. And he was successful?—Yes.'

At Ashton-under-Lyne we read—

'17,854. Can you tell me how much is spent in liquor in the course of the year?—In that report it is 114*l.* . . .

'17,855. Is that under the item of yearly accommodation?—Yes.'

The town of Oldham, which contains 230 Friendly Societies, appears to enjoy an especial notoriety in this respect. Two hundred or more of the societies meet at public-houses, and the very large majority of these spend from 1*d.* to 3*d.* a member per meeting-night in liquor; they also, many of them, spend sums out of their funds on the annual dinner. The Rose of Oldham Club has the credit of having invented a new opportunity of drinking on the nights when the degrees and the symbolism of the Order of Odd Fellows are explained. This is called 'lecture liquor.' In one club it is stated that 4*l.* is spent in drink at every quarterly meeting; 3*l.* worth of whisky was served in half-gallons, and drunk in one hour and twenty minutes by 100 members. These facts were elicited at an inquest upon one of their number, who died from the effects of it. We refrain from multiplying such instances, feeling satisfied that such cases are exceptional only.

One very remarkable fact which is disclosed by this investigation is that to an ordinary working-man the desire of effecting an insurance either against sickness or death is not sufficient to induce

induce him to walk a quarter of a mile down the street to do so; or if he can be prevailed upon to make this exertion, the subsequent trouble of making a monthly payment is far too great for him. This is the reason of the enormous success attained by the large burial societies, which send their collectors from door to door; and it is a plan which must be in some way imitated by the Post Office, if the various forms of insurance which it offers are ever to become popular among the working-classes.

Another striking fact is that, in spite of the great spread of education, the members themselves appear to be ignorant or careless as to the first principles of management. All authorities agree that the only way to ascertain the real financial position of any society is to submit its affairs at stated intervals to the inspection of a skilled actuary, or person really qualified to form an opinion concerning them. Now it is a common practice on the part of both managers and members to assume that their few hundreds of capital necessarily means *surplus* capital. The future liabilities are not taken into account at all. An actuary would tell them whether they are in a state of hopeless insolvency, or of insolvency which by prudence and increased contributions might be retrieved. Mr. Neison gives an instance from an actual valuation within his experience of a society which had funds in hand *per member* of 13*l.*, and yet when all prospective liabilities were reckoned up, was declared to be insolvent to the extent of 2940*l.*; and of another, with funds in hand of 5*l.*, which was declared by him to have a real surplus of 2138*l.* It is in fact proved beyond any doubt, that periodical valuation is the only way of ascertaining the real position of a society. Nevertheless, out of the whole number of Friendly Societies, 'there are perhaps 100 that consult an actuary properly, that is regularly' (Neison, Q. 1092). Many of the largest societies do not. The 550,000 members of the Royal Liver have never had this safeguard. The assets of the Liverpool Protective, with 50,000; the Blackburn Philanthropic, with 130,000, and many others equally large, have never been valued. Even the Foresters, as a whole, have not. So that the importance of this step—the very foundation of soundness and the only test of honest management—does not appear to be appreciated by the members. It cannot be said that the cost would present any serious obstacle, for it would rarely exceed 1*s.* per member; but in most cases it is simply because the managers are afraid of the result, knowing that it will disclose a state of affairs disheartening to the members, and discouraging to any persons who may be desirous of joining the society. But then it is just what an intending subscriber ought to know before he risks

risks his money. Good societies need not fear such a regulation; they would come out of it with a fresh advertisement of their merits, while bad societies would be exposed. And yet those which do adopt this practice, and publish it to the world, are not at all more appreciated in consequence.

Another point of the most vital importance is that the rates of contribution should be adequate, because upon this the whole welfare of the society must eventually depend. But in many clubs they are framed merely by rule of thumb, without reference to any actuary, and without any real certainty of their being adequate. Even in the Order of Foresters, each court is permitted to exercise its own judgment upon this subject; and the result is, that different rates are adopted in the various courts: that is to say, that although their experience would enable them to imitate the Order of Odd Fellows, and frame rates suitable to all their lodges, and perfectly adequate, they allow some of them to shelter themselves under the reputation which deservedly attaches to the name of Foresters, and yet to use tables which any one of experience could at once pronounce to be unsafe.

Again, it would seem no very difficult task, after having adopted a good set of rules, to require the managers to adhere most strictly to them. But that is just what the members of many of these societies do not do. Take, for instance, the rule that the management expenses shall form a separate fund. This regulation is, for obvious reasons, a most important one; and yet we find that some of the largest societies have allowed it to be neglected for years, without a word of remonstrance. The Royal London Friendly Society, established ten years ago, has never enforced its rule to this effect. Nor have the Royal Oak, the United Assurance, the Integrity Assurance, and many others. Of course the reason for the violation of this rule is generally that the management expenses have been excessive.* But it ought to be easily detected, and, indeed, very often has been. It would be easy to give instances where such abuses exist; where they have been exposed in the Press, in police courts, and at general meetings; where they have been denounced by local reformers or by the Registrar himself, and yet the hundreds of thousands of members sit still and do nothing.

The last instance of defective management to which we would

* Not long ago, in the Leeds district of the Royal Liver Society, the expenses of management were 57 per cent. That is, out of every 1*l.* scraped up by a working-man for insurance, he only got the real benefit of 8*s.* 5*d.* In the whole society it is now 37 per cent.; in the Liverpool Protective, 32; in the Scottish Legal, 33½; in the United Reform, 40; in the United Assurance, 46; in the Royal Oak, 50.

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call attention is the utter absence in many cases of an independent audit of the accounts. One instance of the manner in which this may be conducted is so instructive, that we are tempted to extract it from the Report before us.

'The evidence of Mr. Mingaud, the auditor to the United Assurance Society, discloses a state of things which is of course highly exceptional, but which shows what may possibly be done when the auditor is careless, and the committee are unscrupulous. Mr. Mingaud states that the printer of the society's accounts has in his office a form set up, with the words "Audited and found correct, Edward Mingaud," which he sometimes appends to the accounts before Mr. Mingaud himself has examined them. The balance sheet for 1870–1 is printed with this formula attached to it, yet Mr. Mingaud informed us that he had never signed it. That balance sheet was shown to contain a serious error in addition, and an item of 144*l.* had been added by "somebody" without the knowledge of the auditor, in order to meet that error on the other side of the account.'—*Fourth Report*, p. 895.

The foregoing picture of the condition of Friendly Societies throughout the country appears to us to point to the conclusion that the time has come for the State to decide upon its future relations towards them. It cannot stand still in this matter. It must either recede from the position it has taken up—which meets with general condemnation—or it must interfere far more extensively.

Hitherto, as we have already pointed out, certain privileges have been conferred by law upon all societies which send up their rules to the Registrar to be certified, as being 'in conformity with the law.' And that is all he is required to say. His certificate conveys no other guarantee whatever. But as a matter of fact, it has been ignorantly interpreted all over the country to mean that the State thereby gives a sort of official sanction to the club, and an assurance that every one will be safe in joining it. This peeps out over and over again in the letters published in some of Mr. Tidd Pratt's Reports.

'"We put our money into the society, a government officer had certified it, and we thought it was all right." Of course the certificate did not give the slightest assurance that the society was founded upon sound principles, that, for instance, the payments demanded were sufficient to meet the benefits promised. It did not give any assurance as to the solvency or respectability of the parties concerned, or as to the fitness of the rules to give effect to the objects of the society. All those things were matters of importance to the poor man, and far more important than whether there was some rule which might possibly collide or conflict with the Act; but they were left for the person himself to inquire into.'

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Every one will be disposed to agree with Mr. Lowe, from whose evidence the above extract is taken, that the State, so far from giving an advantage to the persons whom it intended to benefit, is misleading them; and that it ought either to go a great deal further, or to do nothing at all. Intending to encourage providence, it has done much to discourage it. With the best intentions in the world, we have given to certain societies privileges which have induced many to confide in them; and we have taken no steps to discover for ourselves whether they are in any respect deserving of that confidence.*

The most complete form of interference with Friendly Societies would be for the State to enter into competition with them by setting up a Friendly Society of its own. And, indeed, the proposal that the Post Office should undertake all forms of insurance in the same manner as it now conducts several branches of it (although without the monopoly which the law secures to it in the case of the carriage of letters and of telegrams), avoids so many of the difficulties of the subject, and is so plausible and attractive, that we cannot be surprised at the space which the consideration of the subject occupies in the Report before us.

It is known, but among the classes for whose benefit it is intended most insufficiently known, that any one by going to the nearest money-order office can insure himself for a sum payable at death, not less than 20*l.*, or by undertaking a monthly payment, obtain what is called a deferred annuity, that is, an annuity of so many pounds a year payable at the expiration of any number of years. This form of insurance has never been very popular among the working-classes, probably because few men care to look so far ahead, or know that it can be effected upon Government security. 'I can safely say,' states one witness, 'that half the clergy and owners of property are not aware of it, and scarcely any of the labourers know anything about it.' But by this concession, which was made by the Government Annuities Act in 1864, the principle that this is a fit subject for Government interference appears to have been established. As it was explained by Mr. Gladstone himself it amounts simply to this—

'that by the interference of the Government you enjoin nothing, and you prohibit nothing, but you offer to such members of the com-

* The law, though little enforced, now requires all registered societies to send in quinquennial returns. It will scarcely be believed that after giving these societies the expense and trouble of preparing these returns, they have for the last nineteen years been allowed to lie in the office without any use being made of them.

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munity as may be disposed to avail themselves of your proposal certain facilities for self-help. All that is requisite in such a case is to show that what the Government proposes to do it can do *safely*, and likewise that what it proposes to do, it can do *justly*.'

It must, however, be remembered that any collision with the Friendly Societies of the working-classes was distinctly guarded against by the introduction of a clause into the Act of 1864, providing that insurances under the Act should not be effected for a less sum than 20*l*., the result of this limitation and of the neglect of the Post Office to make known in any public manner the boons which it was enabled by law to grant being that Post Office insurance has as yet made little way. But it has gradually been recognised that if the State undertakes insurance at death at all, it should undoubtedly extend the advantage to the particular class who are least able to look after themselves, and suffer most from the failure and fraud of their Burial Clubs. We are glad to find that this view has been adopted by the Commissioners, and one of their most important recommendations is that these forms of insurance should be offered through the medium of the Post Office. Recognising the fact that Friendly Societies exist for the benefit of the people, and not the people for the benefit of managers of societies, they do not shrink from advising that the State should take the bold course of entering into competition with the existing Burial Societies. Mr. Scudamore, in his evidence, undertakes that for the future active measures shall be taken to make the advantages of Post Office insurance known to the public. For some years past a small society, called the Provident Knowledge Society, has been working with this object by sending lecturers round the country. This will now become the business of the Post Office.

'We must make arrangements,' says Mr. Scudamore, 'for lecturers to go about the country to impress upon the poor the advantages of life insurance, and to get them to insure in the first instance; and then we must have a system of collectors who should keep them up to their payments from week to week, or month to month, as the case may be.'—*Q.* 27,775.

Not only will the security be absolute, but there is some reason to hope that it may be attained at a cheaper rate than is asked by the existing societies. Mr. Tidd Pratt pointed out in 1868 that the monthly payments usually required by Burial Societies would give to parties insuring with the Post Office a larger sum (with *Government* security), than such societies promise to pay. For 1*d*. per week, or 4*s*. 4*d*. per year, the following

sums are stated to be payable at death, according to the tables of premiums published by the—

Age.	Post Office (In Monthly Payments).	Royal Liver.	Victoria Legal.	Legal Philanthropic.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
30	8 6 8	6 0 0	7 0 0	8 0 0
40	6 3 2	5 0 0	6 0 0	6 0 0
50	4 5 6	3 0 0	4 0 0	4 0 0
60	2 15 2	1 7 6	2 5 0	2 10 0

We are persuaded that this change, which has received the approval of Government, will be of the greatest advantage.

This concession, however, will not by any means satisfy those who think that all forms of insurance for the working-classes ought to rest on the same footing, and to be undertaken by the State. It is urged, and with great force, that insurance in time of sickness is, after all, the greatest need for the poor, and that if in this respect they are still left to the mercy of their rotten village clubs, or unsound large societies, little will have been done for them. The State will have absorbed all the more easily managed and calculated forms of insurance, and left that about which information is most deficient to the care of the most ignorant class. It would not be difficult, it is said, to find in every large village postmasters able, and (if adequately remunerated) willing to undertake it. Every man would have the place for payment of his monthly contributions close at hand. And if he wished to move from one part of England to another, his insurance could simply be transferred from one post-office to the other. If he belonged to the class most free from sickness—the agricultural labouring class—he would be able to insure upon a table based upon the experience gathered from that class only. And lastly, he would be encouraged to make the effort from the knowledge that the security was indisputable, and unlikely to be affected by anything short of a great national convulsion.

The above considerations, but especially (as we fancy) the guarantee of soundness which is given to the insurance, have induced a very large number of influential gentlemen, especially those connected with country districts, to affix their names to a memorial, praying the Commissioners to take Post Office insurance for sickness into their favourable consideration. No more powerful testimony to the bad working of the present system could possibly have been given.

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To this proposal, however, the great weight of authority appears to be at present opposed. Mr. Scudamore says that

'postmasters could not undertake it. They are stationary, they must be at their offices; they could not go round to see whether a man who said that he was sick, was so or not. . . . That objection seemed to me to be so very strong, and weighed with me so much, that I did not look about for any others at all. I myself think that the objection is insuperable.'—*Q.* 27,893.

Much might, in our opinion, be said in answer to this objection, but it is clearly impossible for the State to undertake such a responsibility in the face of such opposition from the department which would be charged with carrying out the work; and public opinion will undoubtedly go with the Royal Commissioners in wishing to see Government insurance limited for the present in the manner which they have recommended:—

'It would be difficult, if not impossible,' they say, 'at present to organise any system of government sick insurance which would not carry with it something of the appearance of a relief system; and we believe that, while this would render it distasteful to many most deserving classes, it would rather tend to familiarise another class with the idea of looking to the State for support in time of need, and thus to break down the barrier of honourable pride which now deters many from claiming assistance from the poor rates. The objection does not apply to the case of insurance against death, or even for old age. Here the insurer pays his price, and as soon as the simple fact of death, or of the attainment of a certain age is proved, the Government officers have only to pay what they have contracted to pay.'—*Fourth Report*, p. 848.

There still remains, however, the very important question of what is to be the future action of the State towards existing Friendly Societies, for the purpose of their regulation. Is it really possible for the State to stand aloof altogether from the friendly societies of the poor, while it exercises supervision over the insurance offices of the rich? Suppose that some one in the upper classes wishes to insure his life. He, who has much better means of information than a poor man can have, is not left to choose at random among the societies which come under his notice. For his security the Government compels all insurance offices to publish their accounts annually in a particular form, so that he can without much difficulty judge of their comparative state, and decide between them. Hardly any one ventures to say that the State ought not to do at least as much as this for Friendly Societies. Even Mr. Lowe, with his peculiar hatred of paternal government, does not venture to go this length. Indeed, he believes it possible for Parliament to lay down a legal minimum

of payments for insurance, to which all registered societies should be compelled to conform; a suggestion which the extraordinary variation in the rates of sickness and mortality in different towns and in different occupations seems to us to render it quite impossible to carry out.

The great danger to be guarded against in imposing restrictions upon existing societies is, that if they are too severe (or thought to be so by a class which is specially distrustful of Government interference), the societies may be induced to cut themselves off altogether from registration, and to remain outside the law. No such objection can, we think, be urged against the very moderate proposals of the Government, which were embodied in the Friendly Societies Bill of the past session. Hitherto it has been absolutely impossible for one Registrar even to attempt to enforce the law in the 23,000 societies scattered throughout England. The returns even now required by law are in most instances never made at all, and in almost all are irregular, incomplete, and incorrect. The first step, therefore, which is imperatively required is the establishment of an adequate machinery to work out the system. For this purpose the system of registration is to be simplified (the present certificate being abolished), the central office is to be strengthened, and the duties of local registration are to be imposed upon the Clerks of the Peace in the different counties. Accurate tables of sickness and mortality, and suitable forms of accounts, will be prepared, but societies will not be compelled to adopt them. They will, however, be bound to have their accounts regularly audited, to publish them to their members, and to submit their affairs to valuation every five years. Many other provisions of great value are contained in the Bill, of which perhaps the most important is the appointment of public auditors and valuers, and the power given to the Registrar to direct a special examination into the affairs of any society on the application of a certain proportion of its members.

The most important difference of opinion among the Commissioners arose upon the question whether the State should attempt to draw a line between some societies and others, according as they do or do not come up to a certain standard of excellence. We ourselves lean to the opinion that such responsibility should be in every way repudiated, and that by the addition of distinct words to the certificate of the Registrar, and possibly even by printing a similar statement on the back of every policy or card of membership, it should be explained to the members, beyond any possibility of doubt, that they, and not the Government, are responsible for the soundness of their society. The Govern-

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ment may advise, may even enforce adherence to such rules as experience may dictate to be necessary; but to go further would be to make the Government give a guarantee (which the poor and ignorant will certainly regard as an absolute one) to societies of whose actual condition it really does not and cannot know enough to enable it to say that they are reliable. And how is it possible to act, without complaints of injustice, towards cases on the 'border line' between soundness and unsoundness, unless the State is prepared also to overlook the management, and to insist on the adherence of the society in every particular to a thoroughly satisfactory system? Far more wise will it be to recognise that local energy which has been the parent of these institutions, to guide it in the right direction, and to develop further the spirit of independence and self-reliance which has been the chief characteristic of the English people.

ART. VII.—1. *Reports of the Judicature Commission.*
2. *The Supreme Court of Judicature Act*, 1873.
3. *Rules of Court under the Supreme Court of Judicature Act*, 1873.

THE saying that people concern themselves least about what concerns them most, is too paradoxical to be of universal application; but there is a class of subjects as to which it is unfortunately only too true. The three traditional faculties of Divinity, Medicine, and Law, were long ago regarded as including in themselves almost the whole range of serviceable knowledge. All studies that lay outside of these specialised departments came under the category of general culture, and were counted among the ornaments rather than among the utilities of life. Almost as a necessary consequence each of the three faculties became relegated to a professional class, and, as a further consequence, the unprofessional laity ceased in great measure to think on topics upon which they had professional experts to think for them. There is a mixture of good sense in this tendency. Every man his own lawyer, is a maxim repudiated by proverbial wisdom. Every man his own quack, would be generally acknowledged as a still more fatal absurdity. Every man his own priest, is a doctrine which to the minds of one school savours of destruction, while many of those who have accepted it in theory are continually drifting back into the opposite belief, and, consciously or unconsciously, setting up priests and popes of their own selection. The explanation of this temper

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of mind is simple enough. In all matters which touch the practical side of life it is impossible to dispense with a professional class, and whenever a professional class exists, its superior technical knowledge enables it to dominate the ideas of society. Outsiders feel their weakness and seldom venture to enter the lists against professional dogmatism; but their submission, for the most part, is the submission of sullen rebels rather than of reverent disciples. This is emphatically the case as regards law. The public in this and other countries is profoundly convinced that the administration of the law is not what it should be or what it might be. The law's delays have always been counted among the special curses of civilised life. The cost of law is accepted as an inevitable tribute paid to a grasping profession. The glorious uncertainty of law is recognised at once as an evil which might be remedied if lawyers chose, and as a fate against which it is hopeless for the lay world to struggle. This despairing tone of public opinion has always been the most serious obstacle to the improvement of judicial machinery. Not very long ago an eminent law-officer, since translated to the Bench, was soundly taken to task in the press for having said that the great difficulty in reforming the law arose less from professional prejudice than from public apathy. And yet nothing more true was ever said. The interest taken in such subjects seldom rises beyond vague discontent with things as they are, and it scarcely ever seems to occur to thinking men outside of the profession that although they are—and indeed because they are—without the pale, they have something to teach as well as something to learn. Instead of striving to force the technicalities of legal procedure into the mould of common sense, they are content to accept without a thought what lawyers offer them by way of remedy, consoling themselves with the reflection that if professional projects of reform may do little good they cannot do much harm to what they believe to be a system of ingenious pitfalls.

This prevailing state of opinion and feeling is a grave misfortune, for no construction or reconstruction of a system of law or legal procedure can ever be a real success without the co-operation of minds free from the trammels of professional habits of thought. We do not say this from any disposition to revive the vulgar calumny which still perhaps finds favour in some cynical minds, that professional men, whether priests, doctors, or lawyers, must needs be tempted to frame rules with more regard for their own order than for the interests of the public whom they serve. This is not the way in which professional bias works. We may assume that in these days lawyers are not consciously governed by corrupt motives, but they are not the less ingrained with traditional

traditional habits of thought which lead them into errors curiously like those which self-interest would foster. The root of the mischief lies apart from selfish greed. A professional class (as a class) never is and never can be philosophical, because it always is, and always must be, the slave of custom. If the administration of justice is ever to be based upon a sound philosophy, the impulse must be given in the main by a strong and sustained blast of lay common sense.

No one, we hope, will suspect us of meaning that the technical experience of lawyers is to be superseded by the broad but crude philosophy of unprofessional thinkers. Each class has its own function, and it is not difficult to define the appropriate boundaries of the province of lay thought. The errors of men who are not familiar with the practical working of legal institutions will be errors of detail. The vice of professional opinion is the neglect of first principles. The practice of an art is apt to obliterate from the mind the science on which its philosophy is grounded, and it is in recalling and enforcing the larger doctrines which the actual business of life overlays, that the influence of unprofessional minds will be most beneficially exerted. Guided by this ruling idea, it may be useful to consider what it is that the lay mind can contribute to the problem of judicial administration. And first let us fix our thoughts upon the end and object of every practical system of law. To make such a system perfect these conditions must be satisfied:—First. The law must be just. Secondly. The law must be certain. Thirdly. The law must be living and growing, in order that it may accommodate itself to the growing wants of a living society, always tending by the universal rule of evolution to become more complex as time goes on. Fourthly. The law must be applied to every particular case with the minimum of error. Fifthly. The law should work with the minimum of delay, and, sixthly, with the minimum of expense.

With the first three of these conditions we do not propose to deal at length on the present occasion. They involve many questions of very grave importance which have divided legal reformers into different schools. How far the development of law should be entrusted to Judges, and to what extent it should be guided by the less elastic process of legislative amendment; what measure of respect should be paid to recorded decisions; whether digests or codes can be so framed as to secure at once precision and simplicity: these, and other analogous questions, deserve a far larger amount of consideration than they have yet received. Still it is not here that the most serious defects of English law present themselves. Our law is approximately just;

just; it is more certain, probably, than the law of any other country, and, in spite of a multitude of anomalies, it has adapted itself with reasonable facility to the growing needs of society.

Where our judicial institutions have most signally failed is in their administrative machinery. We have not succeeded in minimising error, delay, and expense. A law may be fairly just and certain, and yet by far the most fruitful root of error may send forth shoots and branches in rank luxuriance. For one miscarriage of justice, which is due to error of law, there are fifty which spring from error in fact. When once the truth is accurately ascertained, the judgment of such Courts as we enjoy will, in the great majority of cases, be correct. Here and there a new question of legal principle arises—yet oftener a difficulty occurs in applying recognised rules to novel circumstances; but cases of this kind are not nearly so numerous as the exceptional prominence which they acquire would lead one to suppose. The problem which really tries Judges in their daily work is the investigation of facts, and the difficulty is very largely due to the imperfection of the methods which have been elaborated for the purpose.

At first sight it may seem that if there were any department of legal reform which might be safely left to professional experience, it would be this very matter of forensic procedure. What, it may be asked, can any one but a lawyer know of such things? How can the untrained mind of the wisest philosopher, unaccustomed to the atmosphere of Courts of Justice, offer any suggestion of value on the construction of judicial machinery? And yet it is precisely on this side of the problem that the necessity for lay assistance is most keenly felt. There are principles of procedure no less than principles of law; and no one, perhaps, is more in danger of losing sight of sound methods of investigating truth than the lawyer, who has spent his life in investigating it by one—and that perhaps a very defective—method. The skilled advocate is prone to forget the real end of judicial procedure, while he is constantly increasing his power of dealing successfully with the procedure which he finds in operation. English experience affords a singular illustration of this propensity, which can be matched in no other country. We have for some centuries lived under the jurisdiction of two sets of tribunals, working with two methods of procedure about as widely sundered as can possibly be conceived. Each, as may be supposed, has its strong and its weak points, and yet, such is the force of professional prejudice, it is quite an exception to find a lawyer who can see anything worthy of imitation in the method of the tribunals before which

which he has not practised. Each man seems conscientiously to believe that what he has been accustomed to is dictated by the eternal fitness of things, and he never dreams of going back to first principles, and asking himself what are the avowed objects of every system of procedure, and how far his favourite machinery adapts itself to the great end in view—the judicial investigation of truth.

In this chaos of professional opinion the true appeal lies to the non-professional mind. Leaving minute details aside, an intelligent man ought to feel no great difficulty in laying down the broad principles by which any inquiry as to facts should be governed. Everyone acts upon such principles in some fashion every day of his existence. In scientific research, in historical inquiry, in the actual business of life, each hour brings with it the necessity of forming an opinion as to facts on more or less imperfect materials. This is precisely what a Judge has to do in every contested case that comes before him; and the same broad principles which determine the methods of the man of science, the historian, and the merchant, must equally lie at the root of judicial investigation.

Let us consider a little what those broad principles must be, carefully eschewing all reference to the technical machinery which lawyers and those who legislate for lawyers will find it necessary to engraft upon them. Keeping ourselves strictly within what we have defined as the province of lay thought, let us inquire whether the philosophy of common sense will not supply a few landmarks, which even the most experienced lawyers may wisely take note of.

The first remark that the subject suggests is that a law-suit is not a game of whist. This may seem too obvious to be worthy of special mention; but no one can go far in the inquiry we have in hand without discovering that the ideas of lawyers are almost invariably built, however unconsciously, upon the opposite assumption.

A few words are needed to explain this singular phenomenon. The object kept in view by those who frame laws for whist, is to make victory depend not simply on the strength of the hands that may be dealt, but in as great a measure as possible upon the skill of the players. If this were not done, the interest of the game would be lost. The rules are consequently framed with this express object, and one of the most essential is that each player shall be at liberty to conceal his hand from his opponents. If the cards were displayed, it would be easy in almost every case to count the honours and the tricks in each hand, and no scope would be given for retrieving a weak hand by superior play.

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The object in view in framing the laws of forensic procedure is, or ought to be, exactly the reverse. Whatever the parties may wish, the desire of the Court must be that the side with the stronger hand—that is the side on which the merits preponderate—should invariably win. The primary aim must consequently be to eliminate as far as practicable the influence of professional skill, and to insure the verdict for the right side, however superior the tactics of the adversary may be. Probably no advocate, however much he may enjoy forensic triumphs, would in terms assert that the rules of law, like the rules of whist, should reward professional skill by making victory largely dependent upon it. But certainly there is no advocate of any eminence who could not tell how in unnumbered cases he had been successful, because his pleadings were better framed, his evidence more judiciously marshalled, his cross-examination more effectively conducted, or his arguments better adapted to the mind of the Judge, or the prejudices of the Jury, than those of his adversary. Under any system superior skill will inevitably tend to influence the result of a legal contest; but it makes all the difference in the world whether this is regarded as an evil to be brought down to the smallest possible dimensions, or as a legitimate incident of the game on which the issue may rightfully be made to depend. Lawyers as a class (whatever their individual reputation may be) have never been special favourites with the public. But probably no one would charge them with anything so heartless as purposely perverting the course of procedure for the sake of turning a solemn judicial quest after the truth into an exciting game for themselves with unhappy clients for counters. To do this of malice prepense would be simply diabolical. But, barring the malice prepense, something very like this has been done in times past, and the fruit of it is reaped in the present day. Rules of procedure have been framed for the purpose, no doubt, of getting at the truth and securing victory to the right side; but always on the assumption that every suitor would find a pleader and an advocate of adequate skill to cope with the ingenuity of the opposite side. This assumption broke down so flagrantly at one period of our judicial history that in a vast number of cases the judgment depended at least as much on the craft of the pleader as on the merits of the client. This result was originally due to the perverse subtlety of the mediæval mind, and it would be unfair to law reformers not to say that the whole tendency of modern legislation has been to mitigate this evil. But the course of these amendments has always been to patch new cloth upon the old garment. The mischief has not been eradicated,

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and cannot be eradicated until the entire system is reconstructed with a steady determination to insure, as far as may be, the success of the suitor who has the better case, irrespective of the capacities of the lawyers employed on either side. At the present moment the Judges are engaged upon the effort to achieve this end—the mind of the country has been stirred to some extent by legal measures of revolutionary magnitude, and the time seems opportune for considering whether some sort of philosophical basis may not be laid for the work which the lawyers have in hand.

Starting with the fundamental principle that the merits of the suitor ought, as far as possible, to be made to prevail over professional skill, some obvious corollaries suggest themselves at once. The analogy, or rather the contrast, of our game of whist supplies one of the most important.

Maxim 1. 'Every suitor should be compelled to show his hand at the earliest possible stage of the contest.'

It is impossible to exaggerate the value of this maxim. Any method of investigation which ignores it must be bad; any method based upon it is sure to be tolerably good. If faithfully observed, it will almost suffice in itself to abolish the traditional uncertainty and perplexity of the law. And its truth seems as obvious as its importance. And yet it is a maxim which the existing methods of our Courts of Law almost wholly disregard. Nay, we suspect that there are some able lawyers, swayed by the habits of their lives, who would even at this day contend that no such rule should be admitted as the foundation of our legal procedure. But casting aside for the moment, at any rate, the theories and the practice of lawyers, something may perhaps be learned by carrying our minds back to patriarchal times and picturing to ourselves the wise though simple procedure by which the chief of a clan or the king of a primitive nation would administer ready justice as he sat in the gate to redress the wrongs of his people. His first step would be, as the first step of every tribunal ought to be, to ascertain exactly what the real matter in dispute was. He would call upon the complainant to state his grievance, and would make the alleged wrong-doer say at once how much of the accusation he admitted to be true, how far he was able to contradict the charge, and in what way he proposed to justify his own conduct. The king at the gate would insist on each of the parties to the contest showing his hand fully, and it would fare ill with the man who tried to hoodwink the sovereign or baffle his opponent by inventing falsehoods on the chance of not being found out. How such a judge would deal with litigants who proceeded on the approved methods

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which lawyers have developed among civilised nations, may be best realised by imagining an actual dispute in which the parties (educated, let us suppose, some centuries in advance of their age) should adopt the devices which we are not ashamed to permit and to practise.

Let us suppose a people among whom flocks and herds are the principal currency: one herdsman, whom, in deference to modern phraseology, we will call the plaintiff, claims to be entitled, say to fifty sheep, which his neighbour (the defendant) has in his possession. The king calls upon the parties to state their cases. 'My case, Sire,' says the plaintiff, 'is, that this man has in his possession fifty sheep, which he has had and received for my use, or, if your Majesty does not understand these technical expressions, I will say, fifty sheep which, for some reason or other, he ought to give to me.' 'Nothing of the sort,' answers the defendant. 'The fact is, your Majesty, that I never had these sheep in my possession at all. Besides that, I gave them back to this fellow before he made his complaint; and I may add that when I took the sheep I took them for myself, and there is no reason whatever why I should give them to the plaintiff.' 'What is the meaning of this jargon?' interposes the King. 'Sir Plaintiff, don't tell me that for some reason or other you ought to have the sheep; but tell me, and tell the defendant, too, what has happened to give you any claim to them; and then he will be able in his turn to tell me why he considers that he has a right to keep them. And you, defendant, don't stand there insulting your King with falsehoods; but tell me, and tell the plaintiff truly, whether you ever did have the sheep—whether you have them now in your fold, and how you make out that the plaintiff ought not to have them. If, instead of telling a plain true story, either of you tries to mystify me with jargon and lies, he shall have the bastinado for his pains.'

Somewhat humbled and alarmed, plaintiff and defendant restate their cases. 'The truth is,' my Lord, says the plaintiff, 'that the defendant and I both had cows which we desired to exchange for sheep, and the defendant was about to travel into a far country where many sheep could be obtained in return for a cow. I trusted him with fifty of my cows to exchange for me, and for his trouble I promised that I would let him take for himself half the sheep he could get for them, if he would give me the other half. He bartered my cows for three hundred sheep, and has only given me one hundred; I claim fifty more. I crave pardon for not having stated this plainly at first, but I was afraid that if I did so this wicked defendant might deny everything that I was

I was not able to confirm out of the mouths of our neighbours; and therefore I thought it better not to show my hand or to let him know what I was going to prove against him.' 'I understand you now,' says the King; 'but never again come before me with a complaint without telling me at once what it is that you complain of. And you, defendant, say honestly how much of this story is true.' 'May it please your Majesty, it is all true, except that I do not admit that the bargain was what the plaintiff says it was. When I said just now that I never had the sheep, I did not mean that that was really true; but the place where I received them was a long way off, and I thought the plaintiff could not find anyone who saw me take them, or if he did, that he would have to reward him for coming here, and it seemed to me that I had a right to call upon the plaintiff to prove his case, and that if he could not do so I ought to escape.' 'Who has taught you these wicked tricks?' retorts the King; 'at your peril never again palm falsehoods upon me, because you hope you will not be found out. But what do you say the bargain was?' 'Well, my liege, I would rather not say. To make things sure, we employed a scribe who wrote it down and kept it for us. He is far off, but send for him and he will show you what it was.' 'Why should I do that,' says the King, 'if I can settle the question by your own admissions? If I find that you say one thing and the plaintiff says another, I will send for the writing; but first tell me, and tell me truly, whether you do not know that the plaintiff's account of it is true.' 'If your Majesty insists upon it,' replies the defendant, 'I remember very well that I was to give him half, and I have only given him one-third; but a learned doctor has told me that not even the King himself ought to make me answer such a question as that. I humbly submit that you ought to send for the writing, although I own there is no dispute between us as to what it contains.' 'Nonsense,' concludes the King, 'the learned doctor shall be expelled from my dominions for not knowing the difference between discovery and evidence, and you, defendant, shall give up the sheep without forcing the plaintiff to produce a writing to prove a bargain which you can't and don't deny. If you had had any doubt about the terms, I would have sent for the writing; as it is, it would only be causing needless delay and expense. And you shall give the plaintiff, for the trouble you have caused him, ten sheep more than the fifty which he claimed.'

The seeming puerility of this fable may be pardoned if we say that every word which we have put into the mouths of the imaginary plaintiff and defendant, including the crowning absurdity

surdity of the learned doctor, would be pronounced by an English Court of Law to be sound and right, or, at any rate, in accordance with accepted practice, and that the lay common sense which we have attributed to the King on his judgment-seat is in flagrant violation of some of the most cherished rules of our legal procedure. The grave question is, Which is right—common sense or the law? With all deference to lawyers, we think common sense must have the verdict.

The real difficulty, however, of reforming such abuses as we have indicated is in inducing the world at large to believe that such things can possibly be. Laymen know that a quarrel no sooner ripens into a law-suit than it becomes involved in a web of mystery which they think it hopeless to attempt to unravel; but it is very hard to get any one out of the profession to believe the strange things which are daily done within it. Illustrations such as we have given are not unnaturally assumed to be exaggerations bearing no relation to actual facts, and the surprise which ought perhaps to ripen into indignation often subsides into incredulity and fails to excite a genuine demand for reform. And yet the fiction we have sketched may be matched, and more than matched, by recurring experience. Let us place side by side with our patriarchal law-suit a sketch, drawn from life, of a corresponding proceeding before an English tribunal.

We will suppose that the plaintiff has purchased goods which have been shipped from a foreign port, and is in possession of the bill of lading which entitles him to demand delivery of the goods. He presents the bill of lading, and for some reason, well or ill founded, delivery is refused. He brings his action for the wrong, and alleges that the bill of lading was duly presented and that the goods were nevertheless withheld. The real defence we will suppose to be, that the goods not being paid for, the seller claims the right to stop them in transitu, as it is called, which, under certain circumstances, the law allows him to do. The purchaser, however, denies that the circumstances of the case are such, in point of law, as would justify the stoppage, and the only question between the parties is, whether the stoppage was rightful or wrongful. The fact that the goods were stopped is known to both sides, and is in reality their common ground. In order to narrow the contest to the question really in dispute, the plaintiff calls upon the defendant to say on oath whether he denies or admits that the bill of lading was presented and that the goods were refused. If he admits it, there will be no occasion to incur the expense, and it may possibly be the difficulty, of proving what actually occurred. The defendant, like the herdsman in

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our patriarchal fable, objects to being called upon to give any answer at all, knowing that if he does answer he can do nothing but admit the truth of the plaintiff's statement. A solemn discussion then ensues before a Judge to determine the preliminary point whether the plaintiff is at liberty to ask such a question. The plaintiff urges that it would be idle to force him to prove—certainly with much delay, perhaps at great expense—a matter about which both parties know there is no doubt at all. The defendant does not suggest that the allegation is untrue, but insists that it would be contrary to all rules of law to permit the plaintiff to put such a question as he proposes; and the Judge decides, and, according to the settled practice, cannot help deciding, that the defendant is right. The consequence is, that a jury is empanelled to try, and witnesses called to prove, what no one really questions, and all the cost and delay of a trial are incurred because there is a rule of law that in such a case a defendant must not be forced to admit what he knows to be true.

But why, it may be asked, does a Judge pronounce a decision which leads to such mischievous absurdity? The answer is, because he has no choice. He is bound to follow the settled practice, and to say to a plaintiff in such a case something of this kind: 'You ought not to attempt to ask such a question. True it may be that the defendant's admission would relieve you from the burden of a trial—no small matter; true it is that the defendant may be trusted not to prejudice himself by an admission if he feels a shadow of a doubt on the subject. You may be right in saying that no one could possibly be injured by allowing such a question to be put, and that you will certainly suffer if I refuse to permit it. But you ought to know that there is a rule of law which forbids you to ask whether the thing presented was a bill of lading. No one can say whether it was a bill of lading or not except from its contents, and it is a rule of law that no question can be put as to the contents of a written document. You might ask if a bit of paper was presented, but that would do you no good. What you must do is to produce and verify the bill of lading at the trial, and prove that it was presented, and then you will gain the verdict.' 'But,' remonstrates the plaintiff, 'why should I be put to all this trouble and expense? If the defendant and I were not agreed that this paper was the bill of lading, I allow that the only satisfactory way of settling the dispute would be by producing the paper itself; but where is the necessity for all this, if we are agreed—and why may not I compel him to say whether we are agreed on the point or not?' 'There is a rule of law to the contrary' (the Judge is bound to reply), 'and your question must be disallowed.'

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This is an example of English procedure which may be paralleled in scores of cases which happen every day. Rules of evidence (which may, to a certain extent, be justified as rules of evidence) are applied to the preliminary process of interrogation and discovery, the object of which is to sift out the real subjects of dispute, by forcing each party to show his own hand, and to admit so much of his adversary's case as he knows to be true. The absurd result is that the whole object of this process of discovery is defeated in a large proportion of cases, and issues are solemnly tried, on the strictest principles of evidence, about which no one on either side has ever entertained a scintilla of doubt.

Instead of compelling litigants to show their hands at the earliest stage, so as to confine the costly process of trial to points which are really disputed, every possible facility is given to those who seek to baffle opponents, by raising false issues and keeping the adversary in the dark as to the evidence which he will have to meet.

One more example of the same character must be given to illustrate the extent to which, by crippling the preliminary process of discovery, English procedure tends to convert an action at law into a game of skill.

A man is in possession of an estate which he has enjoyed for many years. Suddenly he is served with a writ of ejectment. The plaintiff claims the estate as his own. The possessor desires to know what the meaning of the demand is. 'By what title,' he asks, 'do you insist on turning me out of my property?' 'You will hear in good time,' says the plaintiff. 'Only come into Court with all your deeds, and all your witnesses, to answer any case that I may set up, and if you have any right to remain in possession you will have a verdict in your favour.' 'But,' says the possessor, 'I do not know what your claim is based upon. Are you going to deny that I am my father's son, and must I be ready to prove that? Or do you say that the deed under which my father entered is a forgery? Or what other claim have you to my estate? I insist upon you telling me what story it is that you have trumped up, in order that, when you attempt to prove it, I may be ready with counter evidence, and I shall ask leave of the Judge to question you on the subject.' Leave accordingly is asked, and again the Judge is forced solemnly to reply, 'I cannot allow the question; what the plaintiff means or hopes to prove is his case, and there is a rule of law which says that you cannot compel a litigant to make such a discovery as you are asking of his own case until the time comes for going into evidence. You must prepare yourself to meet whatever he may prove,

prove, and you must not ask him to tell you beforehand what it is likely to be.' 'But it is a great hardship on me,' says the possessor, to come into Court to fight against an enemy who shrouds himself in darkness.' 'That is so, no doubt,' the Judge must reply, 'but I cannot allow your question. There is a rule of law to the contrary. The plaintiff cannot be compelled to show his hand before the trial.'

We might multiply examples to the like effect, but we have probably said enough to show both that our maxim is sound, and that it has not yet met with the recognition it deserves.

The next question that suggests itself is this.—In what shape are the litigants to state their cases? The layman's maxim would naturally be this:—

Maxim 2. 'Let the plaintiff state the facts on which he grounds his complaint, and then let the defendant state the facts on which he relies for his defence, in plain concise English, unfettered by any technical rules.'

Most of our readers, we imagine, would regard this maxim as not less reasonable and obvious than that which we have already considered. But lawyers are even now scarcely agreed upon it, and there was a time when they would, with one voice, have laughed it to scorn. How the opposite view came first to be entertained, how the rules founded upon it gradually moulded themselves into a theoretically perfect system for ascertaining the precise points in dispute—how this theoretical system became in practice a game of skill, not less refined and difficult than whist or chess—how lawyers who played at it made blunders, while clients for whom it was played suffered the consequences—how the Legislature interposed to make the game a little easier, at the sacrifice of nearly all its beautiful precision, leaving it, in its present shape, just a little less hazardous and a great deal less exact than it was before—how at last it dawned upon the best class of legal minds that the whole contrivance was a highly subtle and ingenious mistake, and that it ought to be superseded by the simple maxim which we have enunciated—all this forms a very curious and interesting chapter of our legal history. The system we refer to is what is popularly known as 'special pleading,' while the method which our maxim formulates is called by lawyers 'open pleading.' The arguments which have been maintained for centuries between the advocates of these two methods are now so nearly concluded in favour of open pleading, and the successive phases of the controversy are so full of quaint technicality, that we dare not dwell upon them in these pages. And yet no one who knows how much genuine, though misapplied, ingenuity went to the

construction of the science of special pleading, and how elaborately perfect it once was from its own point of view, can see it consigned to oblivion without feeling that a work of genius is fading out of the world. A few words only we may venture on to indicate the train of thought which at one time recommended this subtle system to the minds of English lawyers. It was said, 'If you allow litigants to state their cases as they please, you will get nothing but rambling narratives, from which no Judge will be able to pick out the precise issues raised between them. It is necessary, therefore, to construct a system of alternate statements, the result of which will necessarily be to reduce the whole controversy to a series of specific allegations of fact or law, asserted on the one side and categorically denied on the other. These distinct issues can then be tried by the appropriate tribunal—a Court, or a Judge and Jury, as the case may be.' This was what the rules of special pleading professed to do, and at one time really did; but the inherent vice of the method lay in this:—in order to insure the automatic working out of definite issues or contradictions, it was essential to regulate the process by a very elaborate code of specific rules, prescribing the mode in which alone each successive pleading should be framed. To enforce obedience to these rules it was necessary to impose a penalty, and the penalty for a violation of the rules of pleading was that the litigant who made the blunder lost his cause. This was subject to some mitigation, in certain cases by amendment and the like, but the broad principle remained, that the man whose pleadings were so badly drawn as to be demurrable, was cast just as effectually as if the merits had been decided against him. In this way many a litigant was beaten, though on the facts he had the clearest right to succeed, just as a man who holds winning cards may lose a game at whist for want of skill in playing them. And the game of pleading was so difficult, that even the most skilful were not proof against occasional slips. The ghastly records of these sad failures of justice are to be found by hundreds in our law-books. The method of special pleading broke down because it needed intellectual giants to work it, and constantly visited the mistakes of pleaders upon the heads of unfortunate clients. Efforts made, from time to time, by the Legislature to mitigate the rigour of special pleading, were attended with partial, though only partial, success. But for centuries it never seems to have occurred either to judges, or practitioners, or legislators, to ask themselves the simple question whether they could not do without this scientific system altogether, and whether the supposed difficulty of extracting the true issues from open pleading was sufficiently serious

serious to necessitate a remedy which so often led to disaster and injustice. And yet during the whole time that the experiment of ameliorating special pleading was going on in Courts of Law, with rather sad results to suitors, there existed other tribunals which contented themselves with the simple and unscientific plan of letting the parties tell their stories as they pleased, and found in practice that the supposed difficulty of ascertaining the precise issues was almost imaginary, and that, rough as it seemed, the method was so far successful that law-suits really did get decided on the merits, and that one scarcely ever heard of a suitor, who ought to have succeeded, failing by reason of the unskilful manner in which his pleadings were framed. The rival methods of procedure went on side by side, however, from the days of Elizabeth to the days of Victoria, before the practical success of the one prevailed over the scientific collapse of the other, and even now the finishing blow, though imminent, has not yet been given to the singular system which has so dismally technicalised English law from mediæval times to our own.

The tenacity with which the ablest lawyers clung to their intricate system is intelligible enough. It sprang from a principle more deeply seated in human nature even than quips and quiddities. Special pleading has survived so long, not so much in spite of its complications, as in consequence of them. Strong men are apt to love the difficulties which they think they have mastered all the more because others are unable to cope with them. You may trace the influence of this feeling in every grade of society. Here is a true story, homely, but pertinent. There was once an Irish ploughman who prided himself on being able to drive a straighter furrow than any of his fellows, with the awkward implement which did duty in his country for a plough. His master imported from England a model plough of the most improved construction, and after the man had tried it, asked him how he liked it. 'Not at all, sir,' was the reply. 'Why not, Flanigan?' inquired the master. 'Sure any one could plough straight with such a machine as that,' said the ploughman triumphantly. So, if any one had invited the opinion of a skilful lawyer of the antique type upon the practice of untechnical pleading, the answer which would have come up from the bottom of his heart would have been, 'Sure any one could plead straight with such machinery as that.' At any rate, whether it was from sentiment or from conviction, the fact remained, that lawyers held fast to their technicalities for centuries after experience had conclusively condemned them. At last, however, the fact is getting to be generally recognised

that the supposed ambiguity of open pleading, to cure which special pleading was devised, is a merely theoretical defect, which does not in practice interpose any appreciable obstacle to the ascertainment of the real issues on which any litigation turns.

Taking these two principles of Full Discovery and Untechnical Pleading to be established, the next steps must be to inquire before what tribunals and by what methods disputed questions are to be tried. There are three kinds of tribunal with which we are familiar in England—a Court of several Judges, a single Judge, and a Judge and Jury. Whether one or other of these should be employed must depend, in great measure, on the character of the questions to be tried. Before we can choose our tribunal, we must know the nature of the issues raised. The theory of what we may now call the exploded system of special pleading, was very pretty on this subject. The method purported to sift out and separate the issues of fact and the issues of law; and the rule was to send the issues of law to be tried by a full Court of several Judges, and the issues of fact to be tried by a Judge and Jury. But in this, as in other respects, the method did not do in practice what in theory it was designed and assumed to do. The so-called issues of fact very often involved implicitly all sorts of questions of law. For example, a plaintiff alleged that a defendant was indebted to him for work done and for money received by the defendant for the use of the plaintiff. The defendant denied these allegations, and the issues were sent to a Judge and Jury to decide whether the defendant was so indebted or not. Whether he was so would depend, first, on the question of fact as to what had passed between the parties, and secondly, on the question of law, whether those circumstances created indebtedness or not. The finding of the jury was not on the issue of pure fact, but on the combined issue of fact and law. So that, if they either misunderstood the Judge's explanation of the law, or thought the case a hard one, and determined to disregard it, you practically had a legal question submitted to a jury, and decided by them, it might be in ignorance, or it might be in defiance of the law. Juries generally took their law from the Judge, but not always; and it is obvious that on points of law the Judge's ruling ought to prevail, and that it was by no means certain to do so when filtered through the minds of a jury, and tainted by their liability to ignorant or wilful error. This was a defect which never could be wholly got over under the special pleading régime, though, as we shall see, it cures itself where open pleading is the rule. But there will be yet another difficulty, or apparent

apparent difficulty, to be dealt with when special pleading is abolished. The pleadings will never of themselves sort out the issues of fact from the issues of law, and if different tribunals are to be employed for the different kinds of questions, it follows that some new mode must be adopted for ascertaining what the issues are, and directing how they are to be tried. Practically there is not often much real difference between a plaintiff and a defendant as to what the issues are; and if a plaintiff picks out from the pleadings what he considers to be the points in dispute, the defendant will generally accept them as the true issues, though he may sometimes desire to have them expressed in different language. In all cases of difference, a Judge finds very little difficulty in settling how the issues of fact shall be stated. As for the issues of law, they require no specification, because the Court knows how to deal with them in its ultimate judgment. This method of settling the issues of fact, under the direction of the Court, is practised in certain classes of cases in the Court of Chancery, and an analogous practice is worked with facility in Scotland; it has the great superiority over the automatic method of special pleading, that the issues so settled are really issues of fact alone—like the questions upon which juries are sometimes called to give special verdicts—and are never allowed to be mixed issues, involving both fact and law. We may, therefore, thus formulate our

Maxim 3. 'When issues of fact have to be extracted from the pleadings, they should be agreed by the parties, or, in case of difference, settled by the Court.'

Thus far we are provided with an efficient machinery for determining what are the questions in dispute, and for casting them, when necessary, into the form of specific issues. It remains to consider to what tribunal the decision should be referred; and this brings us to considerations on which a great divergence of opinion exists. The time may come when the inquiry whether, in any but criminal cases, justice is promoted by trial by jury may be usefully discussed. The main purpose which the institution once served—to check the despotic tendency of the Bench—has long since become obsolete; but traditional feeling always survives the occasion which called it forth, and opinion is not yet ripe for the proposal to substitute in all civil causes the decision of one or more Judges for the verdict of a jury. The gravest charge against the institution of trial by jury, is the great uncertainty which it introduces into litigation. A suitor who is anxious to learn the probable result of a trial by jury can seldom extract from his advisers anything more definite than an assurance that his case looks promising, qualified by the common

common form observations, that it is impossible to say what view a jury may take of it, and that no one can foresee what may result from the chances of Nisi Prius. If the case has to be tried before a Judge, it is practicable, in a great proportion of cases, to predict with considerable confidence what the judgment will be. This power of forecasting the result of litigation is the last and best product of a good system of law and practice. Of course it is important to decide quarrels when they have arisen: but this is not the sole or the chief end of law. That law is incomparably the best which most frequently enables a man in doubt or difficulty to learn with certainty from his advisers what he may safely do, what he may rightfully claim, what he may prudently refuse. The existence of the jury system unquestionably diminishes the number of such cases. The veil which is cast over the deliberations of jurymen is probably the one thing which saves the 'Palladium of English liberty' from immediate abolition. If it were possible to obtain a verbatim report of what was said and done in jury-rooms within the compass of a single week, the ancient institution would perhaps be doomed for ever; and yet there is much to be said on the other side of the question.

It is important not only that judgments should be right, but that they should not shake the general confidence in the administration of justice; and the one great advantage of trial by jury is, that a suitor who is dissatisfied with the result of a trial does not go away with the idea that he has been unfairly treated by the law. If the Judge has put the case, as Judges almost always do, impartially and clearly to the Jury, the unsuccessful suitor accepts the most erroneous verdict as he would the decrees of destiny, without doubting for a moment that he has had a fair trial; whereas, if the same decision had come from a Judge, he would be filled with indignation at the miscarriage of justice. In all cases, therefore, where there are no certain data on which a judgment can be based, there is a real utility in trial by jury, even though it be assumed, as it probably may be, that juries will more often go astray than Judges would do without what is called their assistance. As examples of the class of cases to which these considerations specially apply, we may instance the estimation of damages for moral or physical injuries, and the decision of questions on which opposite witnesses are in direct contradiction. The ablest Judge cannot assess much better than an ordinary man, the pecuniary equivalent of an insult or a broken limb, nor can he always be sure that he is not giving credence to the wrong witness. Yet a grocer might be very angry

angry if his leg were valued at only half as much as the baker's arm, and a man who had sworn truly would be fiercely indignant with a Judge who preferred to believe his opponent's contradiction, though he would not respect the law one whit the less on account of a similar error committed by a jury. It was once said by a great man, now no more, who was equally eminent for his learning and his humour, that there were lawsuits in which there was nothing to be done but to toss up, and that it was more seemly that a jury should toss up than a Judge. We are not prepared to say that this dictum indicates the only class of issues which ought to be tried with the aid of a jury, but will content ourselves with the safer conclusion that there are some cases, which, in the present state of opinion, at any rate, ought to be sent to a jury.

Not less emphatically, however, may it be asserted that there are other cases which ought not to be so tried. There are prejudices of class, prejudices of sex, and prejudices of all kinds, which on some subjects render a jury a most unsatisfactory tribunal. There are questions of fact so closely associated with considerations of law, that a jury is not always to be trusted to decide them: questions so intricate as to baffle any but the most highly trained minds: and many questions upon which the twelve men in a box are sorely tempted to give a twist to their finding upon facts in order to checkmate what they may consider—perhaps rightly, perhaps wrongly—to be an objectionable rule of law. Then there are cases where the costly apparatus of a trial by jury is wholly unnecessary for the purpose of determining issues which, from their nature, scarcely admit of conflicting testimony. Add to all these the cases in which both parties are willing to dispense with a jury, and you have abundant grounds to justify the conclusion which we venture to state as

Maxim 4. 'The Court should decide in each particular case whether issues of fact should be tried before a Judge and a Jury, or a Judge alone.'

This is a rule for which a successful precedent may be found in the practice of the Divorce Court, where, subject to one special exception, it is left to the Judge's discretion to say whether a jury shall be employed or not.

When the tribunal is thus determined the question still remains, how the proof of the issues is to be given. It is easy enough to describe the ideal method which would most certainly lead to the discovery of truth. Let all the witnesses who have any knowledge of the matter be present, without any previous concert, discussion, or communication with either of the parties, and

and let them then and there state what they know, and the truth will be pretty certain to come out. Occasionally evidence might be given on which witnesses or documents not at the moment forthcoming would be likely to throw light; but, even when that occurred, an adjournment for further investigation would almost surely set the matter right.

But such a procedure is simply impracticable, and the only question is, how nearly it can be approached with a reasonable regard to the limitations which time and cost must ordinarily impose. In real life, a trial at Nisi Prius is very different from the sort of investigation which we have pictured. In many cases the principal witnesses are the parties themselves and persons who, from their position, are warm partisans of one side or the other. Such witnesses, of course, never come into the box unbiassed or unprepared. But even indifferent witnesses are seldom caught by the Court in what we may call their unsophisticated purity. Almost every witness is sought out beforehand by the legal advisers of one side or the other, and, as they call it in Scotland, is carefully precognosced. His knowledge is tested, his pulse is felt, so to speak, and a statement—the witness's proof, as it is termed—is taken down from his mouth, containing what he considers himself able to swear to. The proof, in short, is prepared very much as an affidavit is prepared, and is subject to the same liability of taking colour from the mind of the transcriber, however honestly he may desire to work, and he does very often desire to work honestly. This done, the witness, thoroughly conscious of what he has said to the attorney, is put into the box and examined by an advocate who has been furnished with a copy of the proof. It is an absolute rule—loyally adhered to for the most part—that the questions put shall not suggest the answers desired, or in the technical phrase, that the witness shall not be led. But, without any apparent leading at all, the questions, if judiciously framed, bring back the old train of thought, and the witness unconsciously leads himself into answers very much in the form which they assumed in his proof. If there are any points as to which the proof shows the witness to be shaky, these are omitted or skilfully glided over with a light hand by the examining counsel. In this way the examination in chief, even of the most honest witness, gives a picture coloured in favour of the side that calls him, not quite to the same extent as in a prepared affidavit, but very much in the same sort of way. The favourable lights are all sharply accentuated, while the adverse shadows, if not wholly omitted, are indicated only in the vaguest way. This is a very grave defect, but one absolutely unavoidable. Its existence, as a general rule, is so fully recognised, that all the rules

rules which govern the examination of witnesses in Court are based upon the *primâ facie* assumption that every witness is a partisan bent upon making the best case he can for the side that calls him. Accordingly, while leading is strictly forbidden in the examination in chief, the utmost licence is allowed to the counsel for the other side when he rises to cross-examine. Not only may he lead by palpable suggestions, but he may coax, drive, tease, taunt, frighten, sneer at, bully, worry, provoke, insult, and in every conceivable way cajole and coerce the witness into saying what he desires to have said. No high-minded advocate strains this privilege unless he really believes that he has a corrupt witness to deal with, and that the interests of his client demand a stringent cross-examination. Advocates who are not high-minded practise cross-examination of the severest type, as a habit, upon almost every witness they take in hand. If the subject of the operation is nervous, irascible, or muddle-headed, there is no limit to the contradictions and confusion which may thus be imported into his evidence. To a great extent blundering statements thus extorted from a witness are set right on re-examination, and a wise Judge can do very much to rectify, by a few judicious questions, the distorted narrative which is produced by a savage cross-examination working upon the mental or physical weakness of a feeble witness. But the upshot of the testimony in any case depends, at last, almost as much upon the temperament of the witness and the adroitness with which he is handled as upon the truth of the story which he tries to tell.

All this, of course, introduces an element of chance and an element of skill into the process which largely interfere with its accuracy as a means of eliciting truth. Still the wit of man has not been able to devise a better method of taking testimony than the Nisi Prius practice which we have described, and there can be no doubt that in all cases where there is a substantial conflict of evidence it must (subject to some modifications in detail) be maintained. Perhaps the worst feature of it is, that it is just when a witness is deliberately telling an unexpected tale concocted for the occasion that cross-examination is least effective. If a witness gives evidence based upon the truth, but perverted exactly where the interests of his party require it, it is very often practicable to land him in contradictions which discredit his veracity altogether; but where his evidence is pure invention, either as to one material point or as to the whole narrative, there are often no data on which the cross-examining counsel can work. It is not a very uncommon thing for witnesses called to prove an *alibi* to tell a story perfectly true in everything except date, and

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in such cases cross-examination is generally powerless. The notorious story of the convict Luie in the Tichborne trial was absolutely unshaken by cross-examination, although by the wise though exceptional course of adjourning the trial an opportunity was given for proving it to have been false from beginning to end. With all its defects, however, the Nisi Prius procedure must be mournfully accepted as the best available machinery for extracting the truth from the mouths of conflicting witnesses. It compares, at any rate, very advantageously with the method which has been largely used in the Court of Chancery, of taking evidence by affidavit without cross-examination, or, what is only one grade better, with cross-examination taken down in writing before examiners out of Court.

But though the Nisi Prius method must be accepted as the normal rule, it ought to be qualified by a much freer exercise of the power of adjournment to obviate the effect of surprise than has hitherto been usual, and there are besides large classes of cases in which it would be folly to employ it. To keep witnesses, collected perhaps from all corners of the land, waiting till their attendance is required, is an extremely costly process, especially if it is desired to have them in a kindly frame of mind at the hearing; so that a single witness examined *vivâ voce* often costs more than a score of affidavits. It commonly happens that the testimony to be given is merely formal, or of such a character as to preclude the suspicion of misrepresentation, and in all such cases it is a great boon to the suitor to be able to adduce it without incurring extravagant expense. An illustration of this is afforded in the administrative and in some parts of the litigious business of the Court of Chancery, in which millions of pounds are annually disbursed on affidavit evidence with scarcely a serious error occurring in a century. Judges can generally discern, even when litigant parties are not willing to acknowledge it, whether an issue does or does not need to be sifted by oral evidence in Court. Between the two methods, however, there is no room for a compromise, and the miserable expedient of cross-examination in the absence of the Judge who tries the case ought to be abolished for ever. It was invented only to avoid the necessity of increasing the judicial staff, which the extension of the Nisi Prius practice into all our Courts would have involved, and the petty saving of a few judicial salaries affords no justification for a practice which taints the administration of justice. It is a wretched policy to stint judicial strength. The practical result to which we are led may, therefore, be embodied thus:—

Maxim 5. 'Questions of fact should be tried either by the Nisi Prius

Prius method, or by affidavit, as the Court may direct in each particular case.'

One step only remains to complete the process—the decision of issues of law, including the final judgment; and the only question of principle involved is, whether a Court of several Judges, or a single Judge, ought to be employed. The idea on which the practice of referring every question of law, however minute, to a full Court was originally based, was probably a mistake. It was imagined that the chances of error were very much greater in dealing with legal points than in rightly deciding, or, what is quite as difficult, rightly presenting to a jury disputed questions of fact. The truth, in these days at any rate, is conspicuously the other way; and if single Judges were in all original hearings substituted for full Courts, it is not likely that the judgments given would be often different from what they are now. There is settled law and growing law, and a very large percentage of the questions which come before a Court of First Instance are essentially settled law—settled law, that is, in the mind of a Judge imbued with legal principles, though not perhaps covered by the four corners of any reported decision. In all such cases one good Judge is as good as a score. In the small percentage of cases remaining, questions of serious legal novelty and difficulty may no doubt arise; but then nearly all of these are certain to be carried to a Court of Appeal, whatever the first decision may be, if only a cheap and ready process of appeal is provided. The number of cases, therefore, in which the final result would be affected by limiting the first tribunal to a single Judge would be very small, and for the most part unimportant. If there were no intermediate hearing between the first decision and the decree of the Irreversible Court, it would be of the highest importance to strengthen to the utmost the original tribunal; but the feeling in favour of introducing an intermediate appeal, not merely in cases of difference in the Court below, but in all cases, into the machinery of the Judicature Act, was so strongly marked in the discussions of last Session, that the opposite theory may be regarded as definitively withdrawn. Assuming, therefore, the existence of a strong Court of Intermediate Appeal, there are very cogent reasons why a Court of three or four Judges should no longer be occupied with a number of petty little points which any one of them would decide as well as and more rapidly than the full Court. It is almost as great a mistake to waste as to stint judicial strength. Judges such as are needed to maintain the standard of excellence to which Englishmen are accustomed are not to be picked up by hundreds at the street corners. It is needful, therefore, to economise our

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means and never to multiply Judges on the same bench, unless there is reasonable ground for believing that there is a knot to be untied worthy of the forces brought to bear upon it. Moreover, rapidity in a Court of First Instance is almost as important as extreme accuracy is in a Court of Appeal, and one Judge can work much faster than four. A Judge of First Instance who decided, say fifty cases, rightly, and went wrong in two, which were forthwith corrected by a Court of Appeal, would really have done better service than a Court which, in the same time, gave thirty decisions with only one error; so that it might well be possible to set three out of four Judges free for other and higher duties and get out of the remaining one as good work as before, or even better. And observe what setting free several Judges out of each Court means. It means that, without extravagantly increasing the aggregate judicial staff, adequate judicial power shall be forthcoming when it is really wanted. It means that we shall then never more hear of cases which require oral evidence being tried by affidavit, or of examinations which the Judge ought to hear being taken by deputy, because the work could not be got through if witnesses were heard in Court. It means that we shall never again hear of appeal cases being hurried because there is a press of business and there are not Judges enough to hear them all with the grave deliberation which always distinguished the House of Lords and did so much to build up its honourable reputation. If *Sat bene si sat cito* may sometimes be admissible as the motto of a primary Judge, *Sat cito si sat bene* should always be the principle of a Court of Appeal. Therefore for such a Court we ask to have many Judges—not overwhelmed with work and driven into hasty decision; and in order that we may have such Courts it is essential that judicial strength should be economised, where it can be well spared, by reducing every tribunal of First Instance to a single seat. Thus we are guided to the principle which we venture to embody as follows:—

Maxim 6. 'Legal questions should be decided by a single Judge of First Instance, subject to appeal to a Court of many Judges, with a further appeal to the Ultimate Tribunal.'

We have nearly traversed the whole range of our inquiry into the primary principles which should govern the procedure of Courts of Justice. But we must add one more—a warning rather than a principle—a negative rather than a positive rule.

These are days of subterfuges—times when men greet principles with one hand and strangle them with the other; and it is, above all, needful now to insist on what we may call the principle of loyalty. Let there be no shams. Let us not affect

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to constitute tribunals with Judges of the class that we have been accustomed to rate as Judges, and then covertly allow half their proper work to be done by men who are not Judges—who have not the qualifications of Judges—who are not even called Judges—who are termed Registrars, Deputy-Registrars, Clerks, Referees, Arbitrators, it matters not what—but to whom judicial duties are delegated by wholesale to avoid the necessity of providing adequate judicial strength to do the work of the country. Every Court needs a staff of subordinate officers to do subordinate work, but the danger that always threatens from this quarter—which has already developed into formidable dimensions and is daily growing greater—which has eaten into the very heart of the Bankruptcy administration—which is undermining the efficacy of the Court of Chancery—which, under the name of compulsory arbitration, is abstracting the work of Common Law Judges and handing it over to men who are not Judges, is, that the standard of the judicial bench is in reality lowered, when the real Judges who do half the judging work of the country are men who have not been promoted, and many of whom no one would dare to promote to the judicial bench. Nothing is gained by maintaining the highest standard for those who are nominally the only Judges of the land, if they are allowed to depute their work to men who are not Judges and are not fit to be so. Therefore let us complete our code of principles with this final dogma:—

Maxim 7. 'No Judge should be allowed to delegate to inferior officers any portion of his strictly judicial duties.'

With this principle we must close our investigation; but there is a question to be considered which has probably suggested itself to the minds of our readers again and again while travelling with us over the ground we have surveyed.

Are not all these principles too clear to be disputed? Do they need to be dwelt upon at this day? Can we not trace them in the Reports of Judicature Commissions? Are they not recognised and enforced in Lord Selborne's great work the Judicature Act, and in the Code of Rules which has been framed to give effect to its provisions?

Our answer to the last question will, in effect, answer all. And we answer, Yes and No. Every one of the maxims we have laid down is recognised both in the Act and in the Rules. Not one of them is thoroughly and practically enforced. Let it not be supposed that we speak otherwise than with respect and with hope of the Judicature Act and the Rules which have been framed under its provisions. Taken together they give promise of the grandest legal reform that has been seen in England in this, or indeed in any other, generation. But as yet the blessing rests

rests in promise only. It was a gigantic work to get sound principles established, even in name, as the foundation of our future forensic machinery; and it is not surprising that the one session which laid the foundation was not long enough to complete in workmanlike fashion the superstructure for which it was prepared. The postponement of the operation of the Act will, however, afford an opportunity of harmonising and completing what as yet is an unfinished and, in some respects, a crude and inconsistent design. It would not be difficult to point out the numerous modifications required to bring this new Magna Charta of the Courts into consistency and working order. But to do so would lead us beyond the limits which we have imposed upon ourselves, and carry us into the province of professional lawyers. On a few points only—rather by way of illustration than of exhaustive discussion—we may perhaps be permitted to indicate what we mean by the incompleteness which seems to us to mar this great work of reform in its present state.

The most casual glance at the Schedule to the Act and the Rules which have been subsequently framed, will suffice to disclose ambiguities and omissions innumerable. The mere circumstance that the new code of practice is to be picked out of two instruments instead of being scientifically defined with orderly arrangement in a single one, threatens to produce a vast amount of obscurity. If the Schedule contained all the general principles and the Rules all the working details, the separation would still be mischievous and embarrassing enough; but this is not so. On some topics the Schedule descends to the minutest particulars, while in others it leaves the broadest maxims to be enunciated for the first time in the Supplementary Rules. Then again the Schedule and the Rules together do not nearly cover the whole ground. The general scheme of the Act is to substitute one uniform procedure for the conflicting methods at present in use in Courts of Common Law and Equity; but the very first words of the Rules are a confession that it has been found impracticable within the time available for the purpose to do anything of the kind. Accordingly, the whole code of practice is prefaced by this declaration: 'Where no other provision is made by the Act or these Rules, the present procedure and practice remain in force.' There is no definition of what is meant by 'the present procedure and practice,' and it will in practice mean one thing in one division of the Court and a different thing in another—one thing to the mind of a Common Law Judge, and another to the mind of a Judge trained in the Court of Chancery. From the first, therefore, we should have under this system a revival of the discordant practices of Courts of

of Law and Equity, which it was one of the primary objects of the Act to extirpate. Much that was good, as well as much that was bad, is swept away for the sake of uniformity, and when all is done we are very little nearer uniformity than before. The division of the New Code of practice into two documents, and the incompleteness of each and of both together, were made inevitable by the hurry of last year's work. The Schedule was hastily drawn, and is sometimes obscurely expressed; and though it shows, with some exceptions, a masterly grasp of first principles, it does not purport to be more than a sketch of the future procedure. Its clauses were forced through the House of Commons at a pace which the period of the session necessitated, but which left no scope for careful amendment. Its phraseology is such as repeatedly to assume the continued existence of fragments of the old procedures, without ever making it clear how much is supposed to be extinguished and how much is intended to survive. The Rules, drawn necessarily in subordination to the Schedule, have reproduced many of its defects of omission, ambiguity, and phraseology, from which it would be most desirable to free the future code of practice. It will be remembered that, while these Rules were undergoing the final process of settlement by the Judges, pressure was continually being applied in Parliament, by which the period of deliberation was confined within limits very narrow indeed, whether we consider the complicated nature of the task, the limited leisure of the Judges, or the widely different standpoints from which many of them must have approached the subject. The result is that what, but for the subsequent postponement, would have been the final code has in many respects the aspect of a first draft. All this can be easily mended now; and if the Rules and the Schedule were consolidated into a revised Schedule to the supplementary Act which must be passed, the work may be made as complete in detail as it is sound in principle.

It may be assumed that these grave defects of form will be remedied now that time is secured for consolidation and completion, but there are errors of principle which call for revision even more urgently than defects of form.

We cannot better explain our meaning than by taking some of our leading doctrines, and noting how they are at the same time recognised in theory and neglected in practice.

The manner in which the first of our maxims has been handled in the Act and the Rules is a typical specimen. Of the principle itself we hope no one can entertain a doubt. Full discovery is of the essence of justice, as light is of the essence of

of investigation; and, as we have said, the Act accepts the doctrine. But if we are asked whether full scope would be given to it under the Statute and the Rules as they stand at present, we are bound to answer in the negative.

The operation of the Rules, upon this principle, can scarcely be made intelligible without a brief statement of the law and practice of discovery as it is now administered in our different Courts. Prior to the great reform of legal procedure, which was enacted more than twenty years ago, discovery—in the large sense in which we use the term, as applying both to the production of documents and the admission of facts—was a thing practically unknown in Courts of Law. In the Court of Chancery it had been for ages a familiar and efficient process, though the detailed regulations by which it was governed required then, as they require now, some important amendments. Under the orders of Court at present in force in the Court of Chancery, a plaintiff may at any time and a defendant may, after a certain stage in the suit is reached, obtain from his adversary,—1. An answer on oath to any relevant interrogatories which he chooses to put in writing; 2. An affidavit containing a statement (followed by production) of all relevant documents which the deponent has or had in his possession. These privileges are subject to certain exceptions, which occasionally come into operation, and to which we will presently refer; but, in general, each party is entitled to extract from the other side a full discovery both of facts and documents relating to the matters in dispute. The value of this privilege cannot be over-estimated, but the machinery of the Court of Chancery is somewhat defective in one or two respects.

In the first place, the discovery is on oath; but if, as sometimes happens, the answer as to facts, or the affidavit as to documents, is untrue or ambiguous, the process for making the discovery complete is very cumbersome and ineffective. It is an easy matter to give an evasive answer to an inconvenient interrogatory, or carelessly, or even wilfully, to omit a document from the list sworn to; and the obvious remedy in such cases would be to bring the party personally before an officer of the Court, and then and there cross-examine him on the subject. But this is not allowed, either in a case of a defective answer or of a suspected affidavit of documents. Different processes are in these two cases substituted for the efficient method of immediate cross-examination.

If an answer is insufficient, the first step is to obtain from the Court a declaration that it is so, and an order for a further answer. If the second answer is also insufficient, the application has to be renewed, and so on until the fourth application,

application, when for the first time a personal cross-examination of the defaulter may be obtained. This is a needlessly tedious and expensive process, and is scarcely ever pushed through to its final stage. This inadequacy of the remedy furnished for evasion has indirectly led to a very mischievous practice. In order to guard as much as possible against evasive answers, the interrogatories administered are commonly twisted, and repeated, and varied, and interlaced, in a manner which is an absolute insult to the English language; and in the simplest case, where perhaps only half-a-dozen short questions need to be answered the written interrogatories sometimes make up a good-sized pamphlet of jargon, and are responded to by an answer of the dimensions of a respectable volume. This is a great abuse and leads to much discreditable expense. An attempt was made in 1852 to cure the evil by an order that interrogatories should follow a certain short form given as a model; but it was soon found to be the easiest thing in the world to evade such questions, and the old abuse revived in all its vigour. The remedy, in short, was the wrong remedy. The only way to get rid of tautology in interrogatories is to make evasion an unprofitable game, and this can be done by no other method than by subjecting the offender to instant cross-examination. But it was contrary to the genius of the Court of Chancery to resort to this expedient, and it has preferred to rest under the obloquy which its ponderous interrogatories and answers have justly brought upon it.

The remedy for an insufficient affidavit of documents is even more unsatisfactory. You may know as well as possible that your adversary is in possession of an important document, which he has deliberately omitted from the list he has sworn to; but you are not allowed to prove its existence, or even to ask him to swear specially whether he has that particular document or not. All you can do is to apply for an order for a further and better affidavit, which is always refused, unless by some slip your opponent has allowed the existence of some such document to appear incidentally on the face of his own affidavit or answer. This, of course, seldom happens; and if a defendant is only dishonest and discreet enough, he can always baffle the demand for production of the most material documents, or at least indefinitely delay the process, until the plaintfff, by a circuitous process of amendment, has put himself in a position to interrogate afresh. Immediate cross-examination would, of course, furnish a complete remedy; but, for some odd reason or other, this is not allowed.

There is a defect common to all our Courts, which largely

detracts from the efficiency of discovery. Besides professional privilege, which entitles a client to keep secret what has passed between himself and his advisers, and which may perhaps be justifiable, there is another exception for which nothing can be said. If a litigant can so far sever the facts and documents which are to constitute his case from those advanced by the other side as to be able to say that they do not prove or tend to prove the opponent's case, but relate only to his own (a distinction which it sometimes requires a robust conscience to insist on), he is allowed to keep them back until he thinks fit to use them. The action of ejectment which we instanced was an example of this character, and it may be paralleled as well in Courts of Equity as in Courts of Law. It is easy to see that this exception grafted on to the practice of discovery is a relic of the time when a lawsuit was regarded as a game in which either side might make the best use he could of his own weapons —play his cards, in short, as and when he thought best, and keep his adversary as long as possible in the dark. The practice has partially survived, and indeed survives still in the proposed new Rules, though the principle is, we hope we may say, exploded.

In order, therefore, to give full effect to the principle of discovery, what is wanted is, first, to abolish the exception we have mentioned; secondly, to extend the wholesome practice of cross-examining on defective answers and affidavits to all our Courts; thirdly, to give the benefit of discovery equally to plaintiff and defendant from the very outset of the proceedings, and, lastly and chiefly, to take from the Court the power of disallowing questions because they offend against pedantic rules of evidence or for any except well-founded reasons to be distinctly specified in the Rules of Court. No one can read the Schedule to the Judicature Act without seeing indications of a desire to remedy the evils which we have pointed out. But on this, as on a great many other points, neither the Schedule nor the Rules have yet assumed the perfect shape which would have been given to them if more time had been available for deliberation.

When we examine the specific provisions as to discovery, we find that what the proposed Rules really do, is to leave to the Court the same discretionary power of disallowing questions, on any ground, which has hitherto been exercised at Common Law, although the form of the procedure is somewhat improved. The Schedule indeed provided that no relevant interrogatory should be disallowed, but in the teeth of this enactment the Rules restore the old arbitrary power of disallowance, which, in such instances as we have before given, has practically neutralised

lised the benefit of full discovery. We look in vain in the Rules for any clear direction that such petty objections as we have specified shall not prevail in the future as they have prevailed in the past, though there are vague indications that such a reform would be approved. The result may well be, that each division of the new Court will deem itself bound by its own previous practice (as indeed the Rules declare in general terms that it shall be), and that little or nothing substantial will be done to make discovery one whit more effective or less cumbersome than it has been in days gone by. The absence from the practice of the Court of Chancery of any working corrective for imperfect or evasive discovery seems to have attracted some attention, but the subject is dealt with only in the feeblest way. Power is given to a Judge to order a further answer either in writing or *vivâ voce*. This may work, but it would be incomparably better to give to the questioning party the absolute right to cross-examine the offender. The more stringent a rule of this kind is made, the less temptation will pleaders feel to recur to their inveterate vice of tautological interrogatories.

Another blot, still worse in principle, though likely to be less extensively mischievous in practice, is, that the Rules expressly recognise the old doctrine that a man shall not be compelled to make discovery of what in his view forms part of his own case; in other words, the pernicious notion that a lawsuit is a game in which each party may play his cards to the best advantage and keep them dark in the mean time, still finds a place in Rules which, in the main, are based upon the opposite maxim: so hard is it for lawyers to shake off the trammels of long-continued custom.

The same want of vigorous and explicit treatment may be traced in the application of our second and third maxims.

Nothing would have been easier than to preface the chapter on pleading with an express declaration abolishing all the rules of special pleading, and substituting untechnical or open pleading; but this is not done. Instead of it, a series of orders is given on the subject, out of harmony, it is true, with the old special pleading rules, but not at all incompatible with the maintenance of many of them. And when it is remembered that all these specific directions are overridden by the Note that, where no other provision is made by the Act or the Rules, the present procedure and practice of each division of the Court remain in force, it is far from certain that we have yet seen the last of technical pleading.

So in the regulations which provide for settling the form of

issues to be tried, the Rules provide no definite machinery for bringing the question under the consideration of the Judge, and, what is much more serious, no provision to put an end to the mischievous practice of submitting mixed issues of fact and law to the decision of juries. Such faults as these can easily be remedied; but it is not the less important that the remedy should be applied at the outset, instead of waiting until it is evolved out of a chaos of, perhaps, conflicting decisions. A rule of practice which might be settled by a stroke of the pen, sometimes takes years to define itself by the costly process of judicial evolution.

Our fourth maxim—that the mode of trial should be left to the discretion of the Judge—appears in the Rules in a form so mutilated as scarcely to be recognisable.

The discretion given to the Judge is modified in two ways. In the first place he has the power to remit the cause to a deputy, called a Referee (a subject to which we will recur presently), and in the next he is deprived of the power of directing a trial without a jury, if a defendant desires a jury. No such absolute right appears to be given to a plaintiff, and it is by no means obvious why either party should be able to override the opinion of the Court upon the matter, or if so, why the defendant should be specially favoured in this respect. Experience seems to point to a very different rule. Whether a particular litigant, if allowed the choice, will prefer a Jury to an unassisted or unimpeded Judge, depends in general a good deal upon his previous habits and experience. But there are certain classes of cases in which a jury would always be preferred, and these are, for the most part, just the cases in which it ought not to be allowed. Thus a plaintiff in an action against a Railway Company would, we imagine, always prefer a jury. The woman, whether plaintiff or defendant, in a breach of promise case, would certainly do so. A shopkeeper, suing for the price of goods supplied to a minor, would invariably make the same choice. A defendant in a tangled case, who knows that he is wrong, and is defending merely because he does not like to pay, will rather take the chance of getting a blundering jury, than leave himself in the hands of an intelligent Judge. And, in general, the man with a bad case will desire a jury. There seems no reason why such a desire, whether on the part of a plaintiff or a defendant, should be indulged; and the Rules which deprive a plaintiff of the privilege of a jury, unless the Judge thinks fit to grant it, might very well mete out like measure to a defendant also.

This is no doubt one of those matters on which it may have been thought desirable to make some concession to what is or

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is supposed to be a popular prejudice, but whatever form the rules are to assume in this respect, they should at least leave no ambiguity on so important a point. And they are by no means free from ambiguity. Thus we find in them a provision empowering a Judge to direct a trial without a jury "in any cause or matter, which before the Act could, without consent of the parties, be tried without a jury." It is almost impossible to say what this means. Two suits involving precisely similar questions may be instituted, even now, one in a Common Law Court, and the other in the Court of Chancery, for there is a large area of concurrent jurisdiction. In one of these there will be an absolute right to a jury; in the other, no such right at all. When universal jurisdiction is given to all the Divisions, how is it to be determined whether a cause of this description is or is not one in which a jury can be dispensed with without consent? Is the meaning this—that in one division of the High Court a jury may be insisted on, and that under circumstances precisely similar it may be refused in another? If so, an intention so startling ought to be much more clearly expressed. And if this obscurity were removed it would still be difficult to reconcile the provision of the Schedule, that a defendant shall always be entitled to a jury, with the apparently conflicting provision of the Rules, that in certain classes of cases the Judge shall have power to direct a trial without a jury.

Nor is this the only incongruity to be found in the regulations on the subject, for while the Schedule, as we have seen, jealously preserves the right of a defendant to insist on a trial by Judge and Jury in all cases, the Statute itself enables the Court, in a large and important class of cases, to substitute a trial before a referee for a trial by Judge and Jury. The singular result is that in many cases the Court is allowed to dispense with a jury, but only on the condition of also dispensing with the Judge. And yet to the lay mind it would seem that if a referee may be trusted, in all cases which the Court thinks suitable, to sit alone without a jury, a judge might be equally trusted to sit alone, in cases also thought suitable, where he does the work himself instead of sending it to a deputy.

Our fifth maxim as to the mode of taking evidence seems to be more cordially adopted by the Schedule and the Rules than some of the other principles which we have considered. The Schedule in effect makes *vivâ voce* evidence the rule, but gives to the Court a discretion of allowing affidavit evidence where it is thought more convenient. It is, however, left in doubt whether the use of *vivâ voce* evidence is to extend to the large class

class of cases in which the pleadings will speak for themselves, so as to require no definite issues to be extracted. If it is to do so, the intention should be much more clearly expressed. If, on the other hand, affidavit evidence is still to be used in all such cases, the Rules must be credited with a deplorable concession in favour of the worst part of the practice of the Court of Chancery.

Another provision of the Rules empowers the Court, for sufficient cause, to allow evidence to be taken before a Commissioner or Examiner. If this is merely intended to adopt the Common Law practice of issuing Commissions to examine witnesses who are prevented by distance or ill health from appearing in Court, it is right enough. Even if it be meant to extend so far as to sanction the examination in chief, before an examiner, of a witness who refuses to make an affidavit in a case where affidavit evidence ought to be received, it is equally unobjectionable. But if it is meant as an adoption of the pernicious practice of the Court of Chancery, under which the evidence of conflicting witnesses is taken out of Court and used before a Judge who has no opportunity of seeing the demeanour of the witnesses, and judging of their credibility, it cannot be too energetically condemned. This abuse exists in the Court of Chancery only because the Legislature declined to supply a sufficient staff of Judges to do the most important part of their work themselves, and ought not to be tolerated for a day after the reconstruction of our whole judicial system. Ambiguity on a vital point like this is about the gravest fault with which a code of procedure could be charged.

Our sixth maxim is handled, both in the Act and in the Rules, with an amount of indecision which, if left unremedied, will be a lasting blot on this great measure of Forensic Reform. It is either right or wrong that, in the first instance, questions of law should go before a single Judge. It can scarcely be possible to assort such questions beforehand, and say that such and such a class shall be heard by a Full Court, and such and such another class by one Judge only; and this for the obvious reason that until the hearing the Court can do no more than guess at the degree of difficulty or importance of the points to be decided. A preliminary hearing to decide such a matter might often be as tedious as the final argument itself, and no one, indeed, has suggested such a course as feasible. A rule that, in Division Number 1 of the Court, Judges shall sit singly to hear legal questions, and that in Divisions 2, 3, and 4, they shall sit in Courts of not less than three, is indefensible on the face of it; and if anything could make it more so, it would be the probability

bability that the points brought before the First Division would be of greater difficulty and greater moment than those which a Full Court is to be employed to solve.

And yet this is the scheme of the Act and of the Rules. The Chancery Division, which now deals with millions where the Common Law Divisions deal with hundreds or thousands, which embraces within its jurisdiction all the most refined and subtle equities which have hitherto been foreign to Common Law practice, is to work in the future, as in the past, with single-seated Judges, while the energies of Full Courts are to be occupied in the Common Law Divisions on every point of law which the advisers of the litigants may be ingenious enough to raise.

Such an arrangement is utterly irreconcileable not only with our principle but with any principle at all, and ought not to be suffered to deform the Statute when it comes into actual operation. And be it observed that this is an arrangement which no one defends. It is simply a relic of a bad past, which the Legislature has not had the courage to destroy, even when it was engaged in the task of revolutionary reform. The only excuse which has been put forward in its defence is, that it would be too costly to multiply Judges sufficiently to furnish full Courts in the Chancery Division, and that single Vice-Chancellors have been found by experience good enough Judges of First Instance. This is true, but the argument of economy is all the other way. Let Sittings in Banco be abolished in all the Divisions (except in certain rare cases to be specially provided for in Chancery and Common Law Divisions alike), and a vast saving of judicial power will be effected, which may be utilised, where it will be urgently called for, in a strong intermediate Court of Appeal. This will serve the purpose now served by Courts in Banco, and other important purposes, too. No one denies that this is the right thing to do, though Parliament has not yet shown the courage to do it.

When we seek in the Judicature Act and Rules for the reflection of our last maxim, we are oppressed by the sadness of the task.

In the most sweeping terms every Judge is empowered to delegate at discretion whatever he thinks fit of his judicial duties. It may be admitted that delegation of some kind ought to be sanctioned, and, indeed, in certain particulars, to an extent which is not permitted at present. It is not right that the time of a Judge should be occupied in adding up figures, and comparing vouchers, and doing a vast amount of analogous work, which must be done by some one in the course of a large proportion

portion of the judicial investigations which came before the Courts. It is grievous waste of power to put upon such men as we have, and always hope to have, for Judges, tasks which may be equally well performed by inferior officials. But the power of delegation should be strictly confined to matters which do not require the highest efforts of the judicial mind; and to send causes by wholesale to be disposed of by referees, arbitrators, chief clerks, registrars, and deputy-registrars, is, in effect, to lower the standard of the acting Judiciary. The excuse for the unqualified power of delegation which it is proposed to create, is, we believe, that it is difficult to define beforehand the precise subjects which admit of so being dealt with, and that the Bench may be trusted to use the authority with discretion, and to impose a seemly limitation on themselves, even though the Legislature has not thought fit to impose it upon them. Experience, however, has taught us the unsoundness of this argument. It is quite true that no Judge will send to a delegate work which he feels ought to be done by himself—that is, if it is possible for him to do it. But every Judge must feel that it is better that causes should be tried by inferior officials than that they should not be tried at all, and when he finds himself overwhelmed with work, it becomes a necessity for him to delegate his functions, rather than leave the work undone. Illustrations of this will crowd upon the mind of every one who has seen anything of our existing procedure. In Chancery and on Circuit, chief clerks and arbitrators are employed to do work which properly belongs to Judges, and the whole of the business of the London Court of Bankruptcy is delegated to a body of registrars, who were not selected to do judicial work, and are not paid on the scale on which judicial work ought to be remunerated.

With such warnings before us let it not be said that unlimited licence to send causes to deputies can be conferred on overworked Judges without grave injury to the administration of justice.

We have said enough to explain why the projected code of practice seems to us to need a thorough consolidation and revision, but before we part with it we are anxious to guard against two very natural misconceptions. We would not have it supposed on the one hand that our observations are put forth as an attempt at exhaustive criticism. The ground covered by the rules is so large that it would need ten times the space at our disposal to pass in review all the details of the scheme. The points we have dwelt upon have been selected from many more, as affording the best illustration of the kind of work which yet remains to be done. If the general principles for which we have

have contended are even approximately sound, the schedule and the rules ought to be consolidated into one complete code of procedure with no omissions to invite the resuscitation of conflicting practices in different branches of the one Supreme Court of Judicature, and no ambiguities to furnish material for years of technical and costly litigation. Such modifications should be introduced as will make the code of the future consistent throughout with itself and with the broad principles on which it purports to be based, and no pains should be spared to weed out imperfections of phraseology which seem sometimes to suggest the revival of the very procedure which is elsewhere abolished.

On the other hand, we should be still more grievously misconceived if it were supposed that we undervalue the work which we have ventured to criticise. It is an ungrateful but inevitable part of a critic's duty to give special prominence to that which he least approves, but it does not follow that the merits on which he is silent may not outweigh the faults which he exposes for the sake of inviting amendment. If we were called upon to make a declaration of faith on the subject, we should feel bound in the fullest sense to recognise the greatness of the design and the truth of the principles on which it has been framed. The errors, as they seem to us, are errors of detail only—not unimportant detail it is true, but precisely such defects as every great work must show for which adequate time has not been forthcoming. The Judicature of England could not be built on nobler lines than those which are traced in Lord Selborne's plan. When all the difficulties of the task are considered, the passing of the Judicature Act was a stupendous work, which no one less able and resolute than its author could have accomplished within the brief period of a single session. But the work is only half done until a superstructure is reared worthy of the foundations that have already been laid, and for this the country will look to Lord Cairns with a confidence not less than that which it reposed in his predecessor.

It was a fortunate accident that political necessities compelled the Government to take another year for the completion of the great work they have in hand. It will not be found a day too much, and the delay will be compensated a hundredfold if the result should be, as we may well hope it will be, to make the Judicature Act and the Judicature Rules, in their final form, as perfect in execution as—in spite of all minor defects—they are grand in conception.

ART. VIII.—*Discorsi del Sommo Pontefice Pio IX., pronunziati in Vaticano, ai Fedeli di Roma e dell' Orbe, dal principio della sua Prigionia fino al presente.* Vol. I., Roma, Aurelj, 1872; Vol. II., Cuggiani, 1873.

AS a general rule, the spirit of a system can nowhere be more fairly, more authentically learned, than from the language of its accredited authorities, especially of its acknowledged Head. The rule applies peculiarly to the case of the Papacy, and of the present Pope, from considerations connected both with the system and with the man. The system aims at passing its operative utterances through the lips of the Supreme Pontiff: and as no holder of the high office has ever more completely thrown his personality into his function, so no lips have ever delivered from the Papal Throne such masses of matter. Pope all over, and from head to foot, he has fed for eight-and-twenty years upon the moral diet which a too sycophantic following supplies, till every fibre of his nature is charged with it, and the simple-minded Bishop and Archbishop Mastai is hardly to be recognised under the Papal mantle.

It can hardly be policy, it must be a necessity of his nature, which prompts his incessant harangues. But they are evidently a true picture of the man; as the man is of the system, except in this that he, to use a homely phrase, blurts out, when he is left to himself, what it delivers in rather more comely phrases, overlaid with art.

Much interest therefore attaches to such a phenomenon as the published Speeches of the Pope; and besides what it teaches in itself, other and singular lessons are to be learned from the strange juxtaposition in which, for more than four years, his action has now been exhibited. Probably in no place and at no period, through the whole history of the world, has there ever been presented to mankind, even in the agony of war or revolution, a more extraordinary spectacle than is now witnessed at Rome. In that city the Italian Government holds a perfectly peaceable, though originally forcible, possession of the residue of the States of the Church; and at the same time the Pope, remaining on his ground, by a perpetual blast of fiery words, appeals to other lands and to future days, and thus makes his wordy, yet not wholly futile, war upon the Italian Government.

The mere extracts and specimens, which have from time to time appeared in the public journals, have stirred a momentary thrill, or sigh, or shrug, according to the temperaments and tendencies of readers. But they have been totally insufficient to convey an idea of the vigour with which this peculiar warfare is carried

carried on; of the absolute, apparently the contemptuous, tolerance with which it is regarded by the Government ruling on the spot; or of the picture which is presented to us by the words and actions of the Pope, taken as a whole, and considered in connection with their possible significance to the future peace of Europe.

Between the 20th of October, 1870, and the 18th of September, 1873, this nonagenarian Pontiff (he is now aged, at least, eighty-two), besides bearing all the other cares of ecclesiastical government, and despite intervals of illness, pronounced two hundred and ninety Discourses, which are reported in the eleven hundred pages of the two Volumes now to be introduced to the notice of the reader. They are collected and published for the first time by the Rev. Don Pasquale de Franciscis; and, though they may be deemed highly incendiary documents, they are sold at the bookshop of the Propaganda, and are to be had in the ordinary way of trade, by virtue of that freedom of the press which the Papacy abhors and condemns.

The first question which a judicious reader will put is, whether we have reasonable assurance that this work really reports the Speeches of the Pontiff with accuracy. And on this point there appears to be no room for reasonable doubt. Some few of them are merely given as abstracts, or *sunti;* but by far the larger number *in extenso*, in the first person, with minutely careful notices of the incidents of the occasion, such as the smiles, the sobs, the tears * of the Pontiff on the auditory; the animated gestures of the one, the enthusiastic shoutings of the other, which cause the halls of the Vatican to ring again. In a detailed notice which, instead of introducing the first volume, is rather inconveniently appended to it at the close, the editor gives an account both of the opportunities he has enjoyed, and of the loving pains he took in the execution of his task. On nearly every occasion he seems to have been present and employed as a reporter (*raccoglitore*); once his absence is noticed as if an unusual, no less than unfortunate, circumstance (ii. 284). In a particular instance (ii. 299) he speaks of the Pope himself as personally giving judgment on what might or might not be published (*sarebbe stato pubblicato, se così fosse piaciuto a CHI potea volere altrimenti*). The whole assistance of the Papal press in Rome was freely given him (i. 505). Eyes and

* In the estimation of Don Pasquale, all emotion, if within the walls of the Vatican, and on the Papal side, is entitled to respect, and must awaken sympathy: but when he has to describe the tears and sobs which, as he states, accompanied the funeral procession of the ex-Minister Rattazzi (ii. 350), he asks, might not this be a Congress of Crocodiles (*non sembra questo un Congresso di Cocodrilli*)?

ears,

ears, he says, far superior to his own had revised and approved the entire publication (i. 506). The Preface to the Second Volume refers to the enthusiastic reception accorded to the First, and announces the whole work as that which is alone authentic and the most complete (ii. 14, 15). So that our footing is plainly sure enough; and we may reject absolutely the supposition which portions of the book might very well suggest, namely, that we were reading a scandalous Protestant forgery.

Certainly, if the spirit of true adoration will make a good reporter, Don Pasquale ought to be the best in the world. The Speeches he gives to the world are 'a treasure,' and that treasure is sublime, inspired, divine (i. 1, 2, 3). Not only do we quote these epithets textually, but they, and the like of them, are repeated everywhere, even to satiety, and perhaps something more than satiety. 'Receive, then, as from the hands of angels, this Divine Volume of the Angelic Pio Nono' (p. 4); 'the most glorious and venerated among all the Popes' (p. 3); 'the portentous Father of the nations' (p. 11). This is pretty well, but it is not all. He is 'the living Christ' (p. 9); he is the Voice of God. There is but one step more to take, and it is taken. He is (in the face of the Italian Government) Nature that protests: he IS GOD, THAT CONDEMNS (p. 17).

In a letter dated December 10, 1874, and addressed to a monthly magazine,* Archbishop Manning, with his usual hardihood, says, 'for a writer who affirms that the Head of the Catholic Church claims to be the Incarnate and Visible Word of God I have really compassion.' Will this bold controversialist spare a little from his fund of pity for the Editor of these Speeches, who declares him to be the living Christ, and for the Pope under whose authority this declaration is published and sold?

Truly, some of the consequences of a 'free press' are rather startling. And those who are astonished at the strained and preternatural tension, the *surexcitation abnormale*, to borrow a French phrase, the inflamed and inflaming tone of the language ordinarily used by the Pontiff, should carefully bear in mind that the fulsome and revolting strains, of which we have given a sample, exhibit to us the atmosphere which he habitually breathes.

Even those, however, who would most freely criticise, and, indeed, denounce the prevailing strain and too manifest upshot of these Speeches, may find pleasure, while they yield a passing tribute to the persevering tenacity, and, if we may be pardoned

* 'Macmillan's Magazine' for January 1875.

such

such a word, the pluck, which they display. It may be too true that the Pope has brought his misfortunes on his own head. But they are heavy, and they are aggravated by the weight of years; and the strong constitution, indicated by his deep chest and powerful voice, has had to struggle with various infirmities. Yet, by his mental resolution, all 'cold obstruction' is kept at arm's length: and he delivers himself from week to week or day to day, sometimes, indeed, more than once in the day, of his copious and highly explosive material, with a really marvellous fluency, versatility, ingenuity, energy, and, in fact, with every good quality, except that the absence of which, unhappily, spoils all the rest, namely, wisdom. And, odd to say, even the word wisdom (*saviezza*) seems to be almost the only one which in these Speeches does not constantly pass his lips.

Reversing the child's order with his plate at dinner, let us keep to the last that which is the worst, and also the heaviest, part of the task before us: and begin by noticing one or two discourses of the Holy Father to little children, which are full of charm and grace. For even very little children go to him on deputations, and, reciting after the Italian manner, discharge in manufactured verse their anti-revolutionary wrath. An infant of five years old denounces before him the sacrilegious oppressor! (ii. 405.) Another *fanciulletta* declares the Pope to be the King of kings (ii. 465). These interviews were turned by the Pope to edification. He tells the children of their *peccatucci* (ii. 209)—how shall we try to give the graceful *tournure* of the phrase? 'darling little sins:' and certain orphans he again gently touches with the incomparable Italian diminutive on their *difettucci* and their *rabbiette*, and lovingly presents to them the example of their Saviour:—

'Now that the Church commemorates' (it was on Dec. 19) 'the birth of Jesus Christ the babe, do you cause Him to be re-born in your hearts. . . . beg Him to put there something that is good, namely, a good will to study, and to mind your work and all your other duties.'

And so he blesses them, and sends them away (ii. 119).

There are other examples not less pleasing, such as a discourse to some Penitents of the Roman Magdalen. After mentioning the case of Rahab, the Pontiff proceeds in a tone both Evangelical and fatherly (ii. 57):—

'You, too, my daughters, carry the red mark; you, too, carry a mark able to deliver you from the assaults, that the enemies of your souls will make. This red mark you have put upon you; and its meaning is, the most precious blood of Jesus Christ. Often meditate on

on this blood, which has merited for you the grace of your salvation and your conversion. At the feet of the crucified Jesus, even as once did the repentant Magdalen, meditate on the love that He has shown you, and you will triumph over all your enemies.'

There is, perhaps, not a word of this affectionate and simple address, which would not be acceptable even if it were delivered from a Nonconforming pulpit; so devoid is it of the specialities of the Roman Church. Nor is this the only discourse of which the same might be said (see, for instance, Disc. cxxii.). Nor must we very sharply complain if sometimes we find in these Discourses the religious ideas which we are wont to condemn as Popery. They are, perhaps, less frequent and flagrant than might have been expected. They assume prominence, however, in one passage particularly, where the Pope declares that the prayers of the Mother addressed to her Son have almost the character of commands (*hanno quasi ragion di comando*, ii. 394), and there is traceable in some of the Addresses a curious, sometimes an amusing, idea of the personal claim upon the Blessed Virgin Mary and others of the Saints, which he has established by his acts, especially constituting the Immaculate Conception a part of the Christian Faith. 'She owes you the finest gem in her coronet,' says one deputation (ii. 325). 'If,' says another, 'it be certain that gratitude is more lively in heaven than on earth, let him' (here we are dealing with St. Louis, to whom the Pope had erected a monument), 'by way of payment, give you back your crown' (ii. 116). And again, with yet greater naïveté; 'and most holy Mary the Immaculate, on whom you conferred so great an honour, surely she will never allow herself to be outdone in generosity?' (ii. 26).

Next after the personal piety and geniality, which not even all the perversions of his policy can extinguish in the Pope, some sympathy remains due to his irrepressible sentiment of fun. To this even social rumour has done justice in some cases. For example, at the time of the Council, when his hospitality was so taxed by the presence of large numbers of very poor Bishops as to threaten him with an empty exchequer, he is commonly reported to have said, '*facendomi infallibile, mi faranno fallire*: while declaring me *un-failable*, they will cause me to *fail*.' In these volumes he explains to a group of children the prevailing redundance of demoniacal action in Italy by recounting an observation then recently made to him, 'that all the devils had been let out from hell, except a porter, to receive new arrivals.' The preface shows he felt the ground to be tender, for he introduced the story by saying (i. 40): 'Here I should like to tell you an incident.

Yet

Yet I am doubtful, as it might excite too much merriment; but come, I will give it you.'

This for children; but for Bishops also, newly-made Bishops, he has his comic anecdote, and in order that it may be suitable, he chooses it from the life of a Saint, though a modern one. Alphonso Liguori, now not only a Saint, but also lately promoted by the Pope to the rank of a Doctor of the Church, in his time, it seems, used to bore the Neapolitan Ministro Tannucci, and consequently sometimes found it hard to get within his doors. One day, having long to wait, the Bishop sat upon the steps and recited his 'corona;' and he recounts his weariness in one of his letters, with the comment which shall be given in the original tongue: '*questo benedetto ministro mi fa sputare un' ala di polmone*' (ii. 286).

The Pope's references to Holy Scripture are very frequent; and yet perhaps hardly such as to suggest that he has an accurate or familiar acquaintance with it. They are possibly picked piecemeal out of the services of the Church for the day. It is, for example, to say the least, a most singular method of reference to the difficult subject of the Genealogies of our Lord to say (i. 127), 'we read at the commencement of *two* of the Gospels *a* long Genealogy of Him, which comes down from Princes and Kings.' Where, again, did the Pontiff learn that the Jews, as a nation, had some celebrity as smiths (*nell' arte fabbrile*, i. 169)? with which imaginary celebrity he oddly enough connects the mention of the antediluvian Tubal-cain in Gen. iv. 22. Nor can anything be more curious than his *exegesis* applied to the Parable of the Sower. He expounds it to a Roman Deputation (i. 335). The way-side represents the impious and unbelievers, and all who are possessed by the devil; those who received the seed among the thorns are those who rob their neighbour and plunder the Church; the stony places represent those who know, but do not act. 'And who are the good ground? You. The good ground is that which is found in all good Christians, in all those who belong to the numerous Catholic Clubs.' Now the Clubs on the other side are Clubs of Hell (ii. 420 *bis*); sanctity is thus (here and commonly elsewhere) identified with certain politics. Nor does it seem very easy to trace in detail the resemblance between the exposition of the Vicar and that given by the Principal (St. Matt. xiii. 18–23).

Indeed the Papal Exegesis appears somewhat frequently to bear marks of dormitation. Thus, placing King Solomon at a date of twenty-two or twenty-three centuries back (ii. 32), he makes that sovereign the contemporary either of Pericles, or of Alexander the Great. More important, because it is a specimen of

of the wilful interpretations so prevalent at Rome, is the mode in which he proves his right to be the Teacher-general of all States and all nations, because (ii. 456) Saint Peter was chosen, in the case of Cornelius, to preach the Gospel to the Gentiles.

Many, again, will read with misgiving the Pope's treatment of the text, St. Luke ii. 52: 'And Jesus increased in *wisdom* and stature.' 'This increase was only apparent, for in Him, the Son of God, was' (*i. e.* was already) 'the fulness of all wisdom, as of every virtue' (i. 42). To resolve positive statements of Holy Scripture into mere seeming, is not a mode of exposition the most in favour with orthodox Christianity; and, if it is to be applied to statements affecting the Perfect Humanity of our Lord, to what point is it to be carried? The Commentary of Cornelius à Lapide, which will not be viewed with suspicion in Roman quarters, discusses at great length this most interesting text, and, after considering the varied language of the Fathers, proceeds to lay it down that, besides growth in appearance and in the opinion of men, and besides the growth of what we term experience, 'tertiò et propriè, esto Christus non creverit sapientiâ et gratiâ habituali, crevit tamen actuali et practicâ; nam robur spiritûs et sapientiam cœlestem in animâ latentem, indies magis et magis exerebat etiam existens puer.' Those who desire a moremodern statement may with advantage consult a beautiful passage in the commentary of Dean Alford *in loco*.

But what is really sad in the Scriptural references of the Pope is the incessant and violent application which is made of them to political incidents and circumstances, and the too daring appropriation to himself of passages, very exalted indeed, which relate to our Saviour.

As respects the former of these topics, we may take as an example, a short speech to a company of ladies engaged in the reclamation of girls who have lived a life of shame: 'With the same charity and zeal which you have employed in doing good to these girls, by reclaiming them from sin, be careful to pray the Almighty that your charity may also reach all the enemies of the Church.' What would be thought of the taste of any Protestant association of this country which should exhort the managers of the Magdalen never to forget praying God for the conversion of Papists? Tories and Liberals might in this way reciprocally do a stroke of business in politics while exercising their charity and piety. In truth, it might seem to the readers of these volumes as if the putting down of Italian liberalism and nationality (which are for the Pope one and the same thing) had constituted the one great purpose for which the Gospel had been sent into the world. Certainly no one can complain that

that the Pope's injunctions to pray are not sufficient either in number or in urgency. They are incessant. The Pope gives no countenance whatever to the theory of Professor Tyndall, or to that of Mr. Knight, who, as we understand, so cleverly settles the great Prayer-controversy by 'splitting the difference.' But of the almost innumerable exhortations to pray in these volumes, at least nineteen in twenty are directed to the establishment of sound Papal politics, and the conversion, or, failing this, the destruction of Liberals, as though they were the people of some new Sodom and Gomorrah, or Tyre and Sidon; to the triumph of the Church, and the restoration of what the Pope, with his peculiar ideas, is pleased to call 'peace.'

It appears, however, that the comparison, which he draws indirectly between women living by the wages of sin and Liberals, admits of a yet more pungent application in the case of a class who are, in the Pope's eyes, even worse than Liberals. These are the bad Catholics, who have 'disdained the light of faith.' These will, he says (ii. 31), be judged more severely than women who live in shame, but who are far more likely to repent. 'The light of faith' is, we opine, that of the Vatican Council; and the 'bad Catholics' appear to be the eminent men who declined to affirm as immemorial truths the novelties and the historical falsehoods it imposed.

One touch remains to be added to this portion of the extraordinary picture. The prisoner not imprisoned, who is weekly visited by crowds or companies of lawbreakers, glorying in impunity, receives from them, and from the sycophants about him, an adulation not only excessive in its degree, but of a kind which, to an unbiassed mind, may seem to border on profanity. To compare him with the Scripture worthies generally is not enough. Claiming, under the new-fangled Roman religion, to possess in his single hands all the governing powers of the Redeemer over his Church, it is also in the sufferings of Christ alone that he and his worshippers, he with some little excuse, they with hardly any, find a fit standard of comparison for what he has to endure. Now as to his own sufferings, we have no doubt he must suffer much, when he looks abroad over the Christian world, and reckons up the results of what the most distinguished of our Roman Catholic laymen, in a lecture to the Roman Catholics of a midland town, recently and justly called the longest and most disastrous Pontificate on record. But the sufferings mentioned incessantly in this book are the sufferings pretended to be inflicted by the Italian Kingdom upon the so-called Prisoner of the Vatican. Let us see how, and with what daring misuse of Holy Scripture, they are illustrated in the

 authorised

authorised work before us. 'He and his august consort,' says Don Pasquale, speaking of the Count and Countess de Chambord, 'were profoundly moved at such great afflictions, which the *Lamb of the Vatican* (*l'Agnello del Vaticano*, ii. 545) has to endure.'

On the 23rd of March, 1873 (ii. 291) the Pope draws a picture of the Apostles, repairing to our Lord, and desired by Him to take their rest around Him. He proceeds:

'Even now there is a parallel to this; when from different parts of the Catholic world the Bishops and Missionaries repair to Rome that they may give account of their missions to the present most unworthy Vicar of Jesus Christ, and find within the narrow limits of the Vatican an interval of rest from their labours.'

On the 3rd of July, 1871 (i. 131), the Pope reminds his employés of the solemn words used by St. Thomas, when he proposed to accompany his Master to death, 'Let us also go, that we may die with him' (John xi. 16). 'You,' he says, 'are they who this morning resemble those faithful followers of Jesus Christ, in your visit to the foot of the Pontifical throne.' On the 5th of August, 1871, he is visited by the *Figlie di Maria*; and again, he compares their visit to the act of the Blessed Virgin and her companions, who stood by the Cross of Christ, (ii. 212). He adds: 'It is not, however, true that on my Calvary I suffer the pains which Jesus Christ suffered on His; and only in a certain sense can it be said that in me there is renewed in figure all that was in fact accomplished on the Divine person of the Redeemer.' Even so he quotes the inexpressibly solemn words of our Lord at the moment of His capture (John xviii. 9), 'I am the Vicar of Jesus Christ, and I have the right to employ the very words of Jesus Christ. My Father, those whom Thou hast given me I will not lose (*quos dedisti mihi, non perdam*).*

It is futile to attempt a defence of language such as this by alleging that, according to the beautiful observation of St. Augustine, Christ is relieved in His poor, and that according to the yet loftier teaching of St. Paul, the measure of His sufferings is filled up in His saints. Where St. Paul withheld his foot, Pius IX. does not fear to tread. Where St. Paul gave the catalogue of his sufferings, no less truthful than terrible (2 Cor. xi. 23–27), he did not call them his Calvary, as the Pope

* It is strange to observe that the words quoted by the Pope do not correspond with the Vulgate (Ed. Frankfort, 1826, with the approbation of Leo XII.), either in John xviii. 9, where it reads, *quos dedisti mihi, non perdidi ex eis quemquam*, or in John xvii. 12, where the words are, *quos dedisti mihi, custodivi*.

calls

calls his voluntary sojourn within the walls of a noble Palace which is open to all the world, and which he can inhabit, leave, re-enter, when and as he pleases. When he recorded the good deeds of Priscilla and Aquila, who for his life had exposed their own (Rom. xvi. 3), he did not compare even these noble sacrifices with the ministries rendered in the Gospels, by her whom the Pope teaches us to deem the holiest of women, to the Son of God Himself. His sublimity is ever as simple, natural, and healthy, as the daring and stilted phrases of the modern Vatican are the reverse.

If the Pope sees in his own official character such high personal titles and such nearness to Christ, it can be no wonder that he should raise those titles, which are official, to an extraordinary altitude. He does not, indeed, quite emulate in all points the astounding language of Don Pasquale, who always goes mad in white linen when the Pope goes mad in white satin.* Yet he says (ii. 265), 'Keep, my Jesus, through the instrumentality of the successors of the Apostles, through the instrumentality of the clergy, this flock, that God has given *to you and to me.*'

No wonder then, as he is thus partner with Christ in a separate and transcendent sense, that he should give us as a rule for our Italian politics, whoever is for me, is for God. (*chi è con me, è con Dio*). It may be thought that this is the assumption which all Christian men should make. But that is not his opinion. When similar manifestations of piety are hazarded on behalf of the Italian Government, mildly to consecrate their cause, which is after all the cause of a great nation, he executes summary justice (ii. 317) upon such pretences. 'Somebody has had the boldness to write, "God is not on the side of the Pope, but on the side of Italy."

'This assertion, *somewhat impudent*, is contrary to the facts. And first of all I shall say, that if Italy is with God, then assuredly she is with His Vicar.' It is all of a piece. Nothing but the superhuman is good enough for the Pope; and in the next edition of the Roman religion, probably even this will not do. We have already shown where Don Pasquale, an accomplished professor of flunkeyism in things spiritual, calls the Pope outright by the term 'inspired.' Again, in presenting his volumes to Count de Chambord (ii. 547), he has it thus:

* In speaking of the probable condition of Rattazzi in the other world (ii. 342) the Pope says he knows not what his fate may be, and is satisfied with calling him *questo infelice*. Don Pasquale, on the other hand (p. 348), says that the Pope being the Supreme Judge in the Church, was thereby entitled to pronounce a sentence far more definite and terrific on the unhappy Sectarian; but was pleased to hide his judgment under the inscrutable veil of the judgments of God.

'Nel gran volume, ove il Divin fecondo
Spirto, *parlando Pio*, suo verbo detta.'

Nor can it be said that the Pope himself, here at least, falls short of his obsequious editor, when we observe the view he takes of his own authority as matched with that of an inspired prophet: even of him whom God 'sent unto David,' and who professed to tell out to the King the very words which the Lord had given him (2 Sam. vii. 1–14). To the parishioners of two Roman parishes, he as 'their Sovereign,' explains the misconduct, and false position, not of Italy only, but of the Governments generally: he coolly, after his manner, appropriates to himself the words of our Lord, 'He that is not with me, is against me;' and then, apparently under some strange paroxysm of excitement, he proceeds (i. 365):

'You have, then, my beloved children, the few words which I desired to say to you. But I go farther. My wish is that all governments should know that I am speaking in this strain. I wish that they should know it, inasmuch as I do it for their good. And I have the right to speak, *even more than Nathan the prophet to David the King* (*anche più che Natan profeta al Re Davide*), and a great deal more than Ambrose had to Theodosius.'

The comparison with St. Ambrose and his memorable and noble proceedings, is pragmatical enough; but it is entirely eclipsed by the monstrous declaration by the Pope of his superiority to an inspired teacher. We spoke some pages back of sighs or shrugs as the signs of emotion, which the Papal utterances, reported in the public journals, have from time to time suggested. But if Christendom still believes in Christianity, this audacity, of which Exeter Hall will indeed exult to hear, is far beyond either sighs or shrugs: it more fitly may cause a shudder.

This daring assumption, however, is not an accident or a caprice; it is as it were a normal result of the Pope's habitual and morbid self-contemplation, of monstrous flattery perpetually administered, and, yet more, of that ecclesiastical system which is gradually (and, we must hope, without any distinct consciousness) raising the personal glorification of the Pope towards the region of a Divine worship, due from men to one who, in these volumes, is not only the official Vicar, but also, in some undefined way, the personal Representative of God on earth (see *e.g.* i. 430, ii. 165). Not only is his person sacred generally, but we have the sacred hand (i. 397), and the sacred foot (ii. 56, 192, 357), nay even the *most* sacred foot (ii. 330). Well may Dr. Elvenich*

* 'Der unfehlbare Papst.' Breslau, 1874–5.

say

say there seems to be meditated a Pope-worship (Papstcult), to stand beside the God-worship. Of the things we are bringing to view, many are so strange that they can hardly at once be believed. In this instance, as in others, the true passes beyond the ordinary limits of the credible.

A subordinate part of this system is to be found in the curious coquetry which the work exhibits to the world, with reference to the assumption of the title 'Pius the Great.' In dispersed places of the volumes, it is applied; as well it may be, to a Pope who is termed in them himself a prodigy and a miracle. These precedents carefully gathered, may hereafter form an important element in some *catena* demonstrative of a general *consensus* of mankind. But, moreover, it seems that the Marchese Cavalletti, a leading *Papalino*, made known to the Pope that good Catholics (a phrase which here means flaming Ultramontanes) desired to pay him two new honours. One of them was to adjoin to his name the title of *Il Grande* (ii. 484–87). We may, perhaps, refer to another scene, acted 1800 years ago not far from the Vatican, and recorded by Shakespeare.

'*Casca.* There was a crown offered him; and, being offered him, he put it by with the back of his hand, thus; and then the people fell a shouting. . . .

'*Brutus.* Was the crown offered him thrice?

'*Casca.* Aye, marry, was't; and he put it by thrice, every time gentler than other.'—*Julius Cæsar*, ii. 2.

So the Pope gives three reasons, as they may be called, for declining, or rather for not accepting; 'every reason gentler than other.' The first is that our Saviour when called 'Good Master,' replied 'that God alone is good.' The second, that 'God is great and worthy to be praised.' The third admits that three truly great Pontiffs did receive this title, but only when they were dead and gone, and when the judgments of men were therefore more calm and clear. Rather a broad hint for the proper time when it arrives.

But it is time to turn, with whatever reluctance, to the truculent and wrathful aspect, which unhappily prevails over every other in these Discourses.

In order, however, fully to appreciate this portion of the case, it is necessary to bear in mind that the *cadres*, or at least the skeletons and relics, of the old Papal Government over the Roman States are elaborately and carefully maintained;* and

* We have seen it stated from a good quarter that no less than three thousand persons, formerly in the Papal employ, now receive some pension or pittance from the Vatican. Doubtless they are expected to be forthcoming on all occasions of great deputations, as they may be wanted like the *supers* and dummies at the theatres.

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it appears to be one of the main purposes of the 'alms,' collected from the members of the Papal Church all over the world, as doubtless they are aware, to feed ex-customhouse officers, ex-postmasters, and ex-policemen. All these in their turn, and the representatives of several other departments, have from time to time been received by the Pope in solemn deputation, and reap their full share of compliment if not as martyrs yet as confessors of the Church. The police, indeed, who in Italy have had but an unsavoury reputation, and in Rome were notoriously the scum of the earth, have, notwithstanding, been deemed worthy to lead the van (i. 46) on the 20th of January, 1871. The ex-functionaries of the Post Office follow on February 5 (p. 50), and are gravely assured by his Holiness that the Catholic public are everywhere in fond admiration of the conduct of the ex-employés, and that their noble conduct echoes through every portion of the world! With a force of imagination such as this, it never can be difficult to make a case into what one wishes it to be. The Register Office follows, with the Stamp Department, and alas! the Lottery, on the 9th of March (p. 71); and a very conspicuous place is given to the repeated military deputations (i. 69, 87, 99).

We must carefully bear it in mind that none of these appear at the Vatican as friends, as co-religionists, as receivers of the Pontiff's alms, or in any character which could be of doubtful interpretation. They appear as being actually and at the moment his subjects, and his military and civil servants respectively, although only in *disponibilità*, or (so to speak) on furlough; they are headed by the proper leading functionaries, and the Pope receives them as persons come for the purpose of doing homage to their Sovereign (pp. 88, 365). Thickly set among all these appear the deputations of the Roman aristocracy. True, its roll is not complete; for by far the most distinguished member of the body, the able, venerable, and highly-cultivated Duke of Sirmoneta is a loyal subject of the Italian kingdom. As to the residue (so to call them), they are those of whom Edmond About sarcastically said, *Hélas! les pauvres gens! ils n'ont pas même de vices!* They constitute, however, a mainstay of the Papal hope. It was to them he announced (i. 147–8) that Aristocracy and Clergy were the true props of thrones, that plebeian support was naught, and that Jesus Christ loved the aristocracy; and belonged to it. In a somewhat wide construction of the term, it must be owned.

But, if we are to accept the statements of this approved Reporter, the popular gatherings were frequent, and not more frequent than remarkable, in the halls of the Vatican. One or two

two parishes would yield deputations said to consist of 1000 or 1500 persons. But the numbers assembled often, as we shall see, went far beyond this mark. Great masses of persons were and, we presume, still are encouraged to congregate in the Vatican for the purpose of presenting most seditious and rebellious Addresses, and of hearing highly sympathetic Replies.

We should have supposed it impossible that the language of treason against Italy could go beyond the licence of these volumes. In a few cases, however, our editor informs us that it has been thought right, once under the direct order of the highest personage concerned, to keep back from the press some portion of the language used (ii. 299). What has been published is certainly flagrant up to the highest degree of flagrancy yet known in the annals of the Popedom or the world; though it may be reserved for Pius IX. in this point, as in others, to surpass his predecessors, as they have surpassed the rest of men. The Discourses generally, and all the daring defiances of law which, with the Addresses, they contain, are ordinarily reproduced in the 'Osservatore Romano;' and words spoken in the air, or taken from private manuscripts, are thus at once converted into the grossest offences against public order that a press can commit.

And all this is borne and allowed by the tyrannical Italian Government, which keeps the Pope a 'prisoner,' and under which, as the Pope declares, 'for good men and for Catholics liberty does not exist' (*questa libertà per gli uomini onesti e pei Cattolici non esiste*, ii. 25).

We have already glanced at the nature of the audiences to which are addressed the speeches we are now about to describe, so far as samples can describe them. We turn to the speeches themselves. 'What boldness,' says the Prince Consort, speaking of the King of Prussia in 1847,* 'in a king to speak extempore!' With his sagacious mind, had he seen what a Pope could do, he would have been tempted to double or treble his notes of admiration.

It is hardly possible to convey to the mind of the reader an adequate idea of the wealth of vituperative power possessed by this really pious Pontiff. But it is certainly expended with that liberality which is so strictly enjoined by the Gospel upon all the rich. The Italian Government and its followers, variously in their various colours, are wolves; perfidious (ii. 83); Pharisees (i. 254, 380); Philistines (ii. 322); thieves (ii. 34, 65); revolutionists (i. 365, and *passim*); Jacobins (ii. 150, 190); sectarians (i. 334); liars (i. 365, ii. 156); hypocrites (i. 341, ii. 179);

* 'Life of the Prince Consort,' i. 407.

dropsical

dropsical (ii. 66); impious (*passim*); children of Satan (ii. 263); of perdition, of sin (i. 375), and corruption (i. 342); enemies of God (i. 283, 332, 380); satellites of Satan in human flesh (ii. 326); monsters of hell, demons incarnate (i. 215, 332, ii. 404); stinking corpses (ii. 47); men issued from the pits of hell (i. 104, 176—these are the conductors of the national press); traitor (i. 198); Judas (*ibid.*); led by the spirit of hell (i. 311); teachers of iniquity (i. 340—these are evangelical ministers in their 'diabolical' halls); hell is unchained against him (ii. 387), even its deepest pits (i. 368, ii. 179). Nearly, if not quite, every one of these words is from the Pope's own lips; and the catalogue is not exhaustive. Yet he invites children, and not children only, but even his old postmen and policemen, to keep a watch over their tongue! (*custodendo generosamente la lingua*, ii. 125). To call these flowers of speech is too much below the mark: nay, they are of themselves a flower-garden; nay, they are a *Flora*, fit to stock a continent afresh, if every existing species should be extinct. It may be thought that other illustrations may seem, after these, but flat and stale; nevertheless we must resume. What remains will be found worthy of what has preceded.

After what we have shown of the relation which the Pontiff imagines to subsist between himself and the person of Our Lord, it may seem to be a condescension on his part when he compares himself, or complacently allows himself to be compared, to such characters as David, or Tobias, or Job. Perhaps these are introduced to act by way of set-off to the representations of the unfortunate Victor Emmanuel, who in the mouth sometimes of the Pope and sometimes of those who address his delighted ear is Holofernes, as in ii. 143, or Absalom (in conduct, not in attractions), as in ii. 143, or Pilate, Herod, Caiaphas (i. 461), or Goliath (ii. 301), or Attila. But it may be thought our citations thus far have been mere phrases torn from the context; and the height, to which the inflammatory style of speech is capable of soaring, will be more justly understood if we quote one or two passages. Let us begin with vol. ii. p. 77.

'Woe then to him, and to them, who have been the authors of so great scandal. The soil usurped will be as a volcano, that threatens to devour the usurpers in its flames. The petitions of millions of Catholics cry aloud before God, and are echoed by those of the protecting saints who sit near the throne of the Omnipotent himself, and point out to Him the profanations, the impieties, the acts of injustice, and make their appeal to God's remedies; but to those remedies, which proceed forth from the treasures of His infinite justice.'

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The Papal thought shall be allowed to develop itself by degrees. Giving his blessing to a deputation of youths, he desires it may accompany them through life, and when they yield their souls to God.

'The soul, too, will the impious yield; but will yield it, as Abraham said to the rich Glutton' (Did he? Not in Luke xvi. 25, 6), 'to pass into an eternity of suffering, amidst the din of the blasphemies of the devils, who bear that soul to hell.'—i. 430.

But who, it may be asked, are these 'impious,' whose breath has the stench of a putrid sepulchre (i. 341)? The answer is more easy than agreeable. They are simply the Liberals of Italy. This is the favourite word for them, and a phrase almost exclusively indeed appropriated to their use. One passage in particular fixes the meaning beyond doubt. The Holy Father says (i. 286): 'In Rome, not only is it attempted to diffuse impiety all around, but men *even* dare to teach heresy, and to spread unbelief.' Now as impiety proper is the last and worst result of heresy or unbelief, it is strange at first sight to find it placed on a lower grade in the scale of sins. But, when we remember that in these volumes it simply means Italian liberalism, the natural order of ideas is perfectly restored.

To a popular audience, from the parish of San Giovanni de' Fiorentini, he says (i. 374):

'At the top of the pyramid is One, who depends on a Council that rules him; the Council is not its own master, but depends on an Assembly that threatens it. The Assembly is not its own master, for it must render an account to a thousand devils who have chosen it, and who drive it along the road of iniquity; and the whole of them together, or at any rate the chief part, are bondmen, are slaves, are children of sin: the Angel of God follows them up, and with bared sword menaces those who pretend to be so much at their ease. The day will come when the destroying Angel will cause to be known the justice of God, and the effect of His mercies.'

What and for whom His mercies are will be seen shortly. To certain Clubs Pius IX. says (ii. 421, *bis*):

'The Cross, appearing in that valley of final judgment, will crush, with the mere view of it, both Deputies and Ministers, *and some one else* (altri) *set higher still;* and all those who have abused the patience of the Eternal. At the sight of that Tree will tremble all the world, and the peoples bowed down to earth will implore the mercy of the divine Redeemer, and will trust in Him; but *certain persons, to whom I have alluded*, and that are now in power for the ruin of Church and people, will utter cries of despair and trouble, inasmuch as there will be no mercy for them.'

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The door of conversion and return indeed is not yet closed, and frequent prayers are offered for them; but the continued support of Liberalism and Italian nationality can only end in the manner of which the Pope has given so telling a description. Thus for example (i. 224):

'Ah! even upon these I invoke, yet again, the mercy of the Lord, that He may convert them, and they may live! But I say at the same time, if at all hazards they persist in refusing the light of Divine grace, well, may God at length accomplish that which in His justice He has resolved to do.'

A word in summing up this portion of our notice. It was not by words of scorn that Christ began the Sermon on the Mount. It is not by words of scorn that the Pope will revive the flagging and sinking life of Christian belief in Italy, or will put down the spirit of nationality now organised and consolidated, or will convert the world. It would be well if he would take to himself the words of a living English poet:

'For in those days
No knight of Arthur's noblest dealt in scorn;
But if a man were halt or hunched, in him
By those whom God had made full-limbed and tall
Scorn was allowed as part of his defect,
And he was answered softly by the King
And all his table.' *

As might be expected, the Addresses to the Pope are not tuned to a lower pitch than his replies. There are hardly any among them which do not contain the language, commonly the most burning language, of treason and of sedition. Manhood, womanhood, childhood, all sing in the same key. Innocence and sedition, as we have already observed, join hands. The little one, who has but just completed a single lustre, announces in the poem she recites (ii. 406) the restoration of the Temporal Power over Italy and the whole world:

'Poco tempo ancora, e Pio
Regnerà sul mondo intiero.'

The lips are the lips of infancy; but the tune has the true ring of the *Curia*. But there are important distinctions to be observed. Even distant observers may appreciate the wisdom with which the Government of Italy leaves to the Pope a perfect freedom to speak his mind on the laws, the throne, and the constituted order of the country. If such freedom exists we cannot well expect it to be used in any way but one, though the use certainly

* Tennyson's 'Guinevere.'

might

might have well been restrained to less frequent occasions, and a more civilized range of language. However, let this pass; and let every allowance be made for Papal partisans among those once his subjects. But what are we to say of the sense of public propriety among foreigners, Englishmen we regret to say included in the number, who travel from distant countries, and abuse the immunity thus accorded to offer public and gross insult to the Italian Government, under whose protection and hospitality they are living? Perhaps the most inordinate example of this very indecent abuse is in the 'most noble Catholic deputation of all nations' which made its appearance in the Vatican on the 7th of March, 1873, and which was headed by Prince Alfred Lichtenstein (ii. 257). In their address they denounce 'the most ignoble violation of the law of nations' by the Italian Government, their 'execrable crime,' their 'hypocritical assurances,' and so forth. Not content even with this outrage, they proceed to denounce, of their own authority, all ideas of compromise or adjustment, for which the Government of Italy had always been seeking.

'With the enemies that rage against you, Holy Father, and against the religious orders, no reconciliation is possible. War, waged by such enemies, is not terrible: the only thing to be dreaded in this case is peace. (Bravo! bravo! bravo!) No doubt they would be right glad to conclude with you a perfidious compromise; they ardently desire it.'

And then with incomparable taste on the part of such Englishmen as were present, towards the King of Italy, the Ally of Her Majesty, 'No, no; Peter, alive in your person, will be ever admirable in his heroic resolution against Herod' (ii. 257–9).

After more slang of the same kind—from persons acting thus entirely beyond their right, this language deserves no better name—and a glowing eulogy on the Syllabus and the Encyclical, the Addressers give place to the addressed, who assures them that all they have said is true, though some of it severe (*ibid.* 261). Have any of these gentlemen, princes and others, considered what sort of protection their own Governments would be able to afford them if the Italian Government should think fit to take proceedings against them, or to expel them summarily, and rather ignominiously, from its territory, as enemies of the public peace?

It is now time to examine by such lights as we possess what is really the actual state of things in Rome, which furnishes the occasion for the violent and almost furious denunciations of the Pope; and to inquire also what would be the state of things which he desires to have established in its stead.

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The condition in which he thinks himself to be is, that he is a prisoner in the Vatican; while outside its walls are ruin, oppression, revolution, confusion, and unrestrained blasphemy and profligacy. And what he desires is simply the restoration of freedom and of peace. It will not be at all difficult to perceive what the Pope signifies by freedom and peace, or by what means they are to be attained: but first a word on the actual condition of Rome. It never had the name, under the Popes, of a very well-ordered city. The Pontiff, however, speaks of it as having been under his dominion holy; whereas now it is a sink of corruption, and devils walk through the streets of it. Now, except upon this authority of one who knows nothing except at second-hand, nothing except as he is prompted by the blindest partisans, it seems totally impossible to discover any evidence that Rome of 1874 is worse than Rome before the occupation, or worse than other large European cities. And this really is a question not of dogmatism or of declamation, but of testimony; and not of the testimony of prejudiced assertion, but of facts and figures. To this test the condition of every city can be brought, with more or less of approach to precision. Except, indeed, under a system like that of the Papal Government; when the press was enslaved, and the stint of public information was such, that even a copy of the Tariff of Customs Duties was not to be had in Rome (as happens to be within our knowledge) for love or money. Now these odious charges that a peculiar immorality and utter disorder prevail in Rome are launched by the Pope with such vagueness, that if they came from a less exalted personage they would at once be called scurrilous and scandalous, and it would be said, here is a common railer who, having no basis of fact for his statements, takes refuge in those cloudy generalities, under colour of which fact and figment are indistinguishable from each other. After taking some pains to make inquiry from impartial sources, we are able to state that the police of the national Rome is superior to that of Papal Rome, that order is well maintained, crime energetically dealt with.

It is known that at the time of the forcible occupation in 1870, a number of bad characters streamed into the city; but by energetic action on the part of the Government, ill-supported, we fear, by the clergy, they were, by degrees, got rid of, and soon ceased to form a noticeable feature in the condition of the place. For ostensible morality the streets will compare favourably with the Boulevards of Paris, and for security they may generally challenge the thoroughfares of London. We cite a few words from a very recent and dispassionate account:—

'The police of Rome is far better than the old Papal police; order is

is better kept, and outrages in the streets are of rare occurrence. Crime is promptly repressed. . . . The theatres are not much frequented, and are neither worse nor better than such places elsewhere. The city is clean and well kept. There are not half the number of priests or friars in the streets, and mendicancy is not a tenth part of what it was formerly.'

We are entitled, indeed, to waive entering upon any more minute particulars until the charges have been lodged, with some decent attention to presumptions of credibility. But it has been our care to obtain from Rome itself some figures, on which reliance may be placed. They indicate the comparative state of Roman crime in the two last full years of the Papal rule (1868, 1869), and the three full years (1871, 1872, 1873) of the Italian rule :—

	1868.	1869.	1871.	1872.	1873.
Highway robberies	236	123	103	85	26
Thefts	802	714	785	859	698
Crimes of violence	938	886	972	861	603
Total	1976	1723	1860	1805	1327

In 1870, which was a mixed year, and does not assist the comparison, and which was also a year of crisis, the total was 2118, and the crimes of violence (*reati di sangue*) were no less than 1175. It will be observed that these figures confute the statements of the Pope. The two first of the Italian years were affected by the cause to which we have referred; but still their average is lower than that of the last two years in which Rome was still the 'holy' city, and in which devils did not walk the streets of it. The average of the three years is 1665 against 1723 in the last Papal year. The year 1873, in which alone we may consider that the special cause of disturbance had ceased to operate, shows a reduction of 391, or more than 22 per cent., on the last year of the Pope. Yet more remarkable is the comparison if we strike out the category of thefts, the least serious of the three in kind. We then obtain the following figures: for the last Papal year, 1869, 1009; for 1873, 634; or a diminution of nearly 40 per cent.

But while the accusations are thus shown to be utterly at variance with the facts, still they are intelligible. The cursing vocabulary, so to call it, which has been given, exhibits their character, though in a wild and wholly reckless manner. Where

Where the passion shown is rather less overbearing, there is more of the daylight of ideas. And the idea everywhere conveyed is briefly this; that a state of violence prevails. There is no liberty for honest men or for Catholics (ii. 25): matters go from bad to worse. What is wanted is that God should liberate His Church, give her the triumph (this is the favourite phrase) which is her due, and re-establish public order (i. 44); it is to escape from this state of violence and oppression, which, in simple truth (*davvero*) is insupportable and impossible for human nature (ii. 54). As for the Pope himself, who does not know, so far as Ultramontane organs all over the world can convey knowledge, that he is a prisoner? Although, it must be confessed, that a new sense of the word has had to be invented to serve his turn: for, as he himself has explained, his prison is a prison with only moral walls and bars, since he admits there are neither locks nor keepers (i. 298). How, with his sense of humour, how, in making these statements, must he inwardly have smiled the smile of the Haruspex at the gross credulity of his hearers! He cannot go out; and he will not (i. 72). He would be insulted in the streets (i. 298); and here, fortunately, he has a case in point to adduce, for once upon a day it happened that a priest had actually been pelted; and somewhere else (i. 467) it appears that an urchin or two had been heard to shout '*morte ai preti*,' down with the priests: though in no instance does he show that, even if a stone was thrown, the public authority had refused or tampered with its duty to afford protection to layman and priest alike.

However, as we have seen, the Pope's allegations of oppression and violence are in terms very grave. But his own lips, and his own Volumes, unconsciously supply the confutation; and this in two ways. For first, it is clear, if we accept the statements of this curious and daring work, that the people of Rome are almost wholly on his side against the Government, not on the side of the Government and the nation against him. A careful computation of the editor (ii. 187) reckons, certainly to the full satisfaction of all Ultramontane readers, that seventy-one thousand of the inhabitants of Rome (in a city of some two hundred thousand, old and young, men and women, all told) have given their names to addresses against the suppression of the religious orders (ii. 187), a certain sign of Papalism. But there is yet more conclusive evidence. On January 16, 1873, the whole College of the Parish Priests of Rome presented an address, in which they state that, notwithstanding the influence of intruded foreigners, almost the whole of their former parishioners (*nella quasi totalità*), whom they know by name, still keep

keep the right faith, send their children to the right schools, and remain, subject to but few exceptions, 'with the Pope and for the Pope.' 'I thank Thee, my God, for the spirit that Thou impartest to this excellent People: I thank Thee for the constancy that Thou givest to the People of Rome' (i. 352, also 229). And yet an urchin, or perhaps two, or even three, cry '*morte ai preti*,' and the Pope dare not go out of the Vatican, although he has seventy-one thousand Romans declared by their signatures, and 'almost the entire body of parishioners,' except the new-come foreigners, for his fast allies and loyal defenders! It is really idle to talk of dark ages. There never was, until the nineteenth century and the Council of the Vatican, an age so deeply plunged in darkness worthy of Erebus and Styx, as could alone render it a safe enterprise to palm statements like these on the credulity even of the most blear-eyed partisanship.

But then, it may be said, in vain are the people with the Pope; a tyrannical government, supported by hordes of *sbirri* and a brutal soldiery, represses the manifestations of their loyalty by intimidation. But this allegation is cut to pieces, and if possible rendered even more preposterous than the other, by the evidence of the volumes themselves. One exception there appears to have been to the good order of Rome: one single form, in which a kind of anarchy certainly has been permitted. This flagrant exception, however, has been made not against, but in favour of, the Pope. For, strange and almost incredible as it may appear, his partisans are allowed to gather in the face of day, and proceed to the Vatican for the purpose of presenting addresses to the Pontiff known to be almost invariably rife with the most flagrant sedition, and this in numbers not only of a few tens or even hundreds, but up to 1500, 2000 (i. 242, 258, 353), 2600 (i. 362, 411), 3000 (ii. 92), who shouted all at once, and even (ii. 94) 5000 persons; and again (i. 438), a crowd impossible to count. It may be asked with surprise, has the Pope then at any rate a presentable train of five thousand adherents in Rome? Far be it from us to express an implicit belief in each of our friend Don Pasquale's figures, at the least until they are affirmed by a declaration *ex cathedrâ* or a Conciliary Decree. But in Rome, where the vast body of secular and regular clergy have held so large a proportion of the real property, where all the public establishments were closely associated with the clerical interest and class, where even the numerous functionaries of the civil departments, and where the aristocracy, including families of great wealth, have been, and continue to be, of the Papal party, a long train of dependents must necessarily be found on the same side, and, judging from what

what we have seen and known, we deem it quite possible that in the entire city a minority of Papalini numbering as many as, or even more than, five thousand might be reckoned, though of independent citizens we doubt whether there are five hundred. To these civic adherents would add themselves foreigners, whose zeal or curiosity may have carried them to Rome for the purpose. We have, indeed, learned from an authoritative source that on June 16, 1871, when there were no less than eight Deputations, the Pope received at the Vatican in all about 6200 persons. We find also that the total number of those who waited on him in 1871, on only fourteen separate days (which however certainly included all the occasions of crowded gatherings), were estimated carefully at 13,893; and in 1872, on the same number of occasions, at 17,477. In the two following years the numbers have been much less, namely, 8295 and 9129 respectively. It is quite plain that large crowds—crowds sufficient to give ample ground for interference on the score of order to any Government looking for or willing to use them—again and again have filled the vast halls of the Vatican, as Don Pasquale assures us. That they went there to stir up or prepare (as far as it depended upon them) war, either immediate or eventual, against the Italian Government, is established by every page of these volumes. Going in such numbers, and for such a purpose, it is not disputed that they have gone and returned freely, safely, boastfully, under the protection of the laws they were breaking, and of the Government they reviled.

It may perhaps seem strange that, while the Italian Government is treated as if the Pope were a Power in actual war with it, yet the *Curia* apparently can stoop to communicate with it for certain purposes, which it will be interesting to observe. We have, for instance, in the Appendix (ii. 419) a letter of the Cardinal Vicar to the Minister Lanza, complaining, as the Pope in his Speeches complains, of the immorality of the Roman theatres.

It complains also that the clerical orders are not spared in the exhibitions of the stage. This is a subject on which the *Curia* has always been very much in earnest; and some day it may be necessary to bring before the modern public the almost incredible, but yet indubitable, history of the negotiations and arrangements which were made by the State of Florence with the See of Rome in relation to the Decameron of Boccaccio. But for the present let us take only the point of immorality. The broadest accusations on this subject are lodged by the Cardinal Vicar, without one single point or particular of places, pieces, persons, or times which would have enabled the Italian Government to

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put their justice to the proof. The Minister, in his reply, could not do more than he has actually done. He declares that the Italian censorship is remarkable for strictness; and that in Italy, and particularly in Rome, many pieces are prohibited which are permitted in France and in Belgium. And of this there is no denial. With a thorough shabbiness of spirit, the complaint is neither justified nor retracted, but is sent forth to the world with the full knowledge that the good (*i buoni*) will take it as a demonstration that the Italian Government is wholly indifferent to morals (vol. ii. 419–24).

Again, we have a complaint of the non-observance of Sundays and feast-days; but the effort of this kind which most deserves notice is one relating to blasphemy. It appears that the newspaper 'La Capitale' had been publishing piecemeal a Life of our Lord, written in the Unitarian sense. The Cardinal-Vicar represented to the Procurator-General (ii. 520) that this ought to be prosecuted as blasphemous and heretical. It is not stated that he founded himself on the manner of the writer's argument, and therefore it may be presumed that the charge lay against his conclusions only. The Procurator-General replied that the law granted liberty of religious discussion, and that accordingly he could not interfere. The Advocate Caucino of Turin—whose Address to the Pope is almost the only one in the whole work that does not contain direct incentives to sedition (ii. 313)—gave a professional opinion to a contrary effect. He pointed out that the Roman Catholic religion was by the Constitutional Statute the religion of the State, and that other laws actually in force provided punishments for offences against religion. Consequently, as he reasoned, these writings are illegal. Over nine hundred of the Italian lawyers have countersigned this opinion. One of his arguments is, to British eyes, somewhat curious. The laws, he says, declare the person of the Pontiff sacred and inviolable. 'But if you take away the Divinity of Jesus Christ, the Pontiff is reduced to a nonentity (il Pontefice non è più *nulla*).' It is difficult to avoid saying, one wishes that were the only consequence.

It would, perhaps, be uncharitable to suggest that this well-arranged endeavour was nothing else than a trap carefully laid for the Italian Government. But it certainly would have served the purpose of a trap. Had the denial of our Lord's Divinity been repressed by law, by reason of its contrariety to the religion of the State, the next step would of course have been to require the Government to proceed in like manner against anyone who denied the Infallibility of the Pope. Under the Vatican Decrees this is as essentially and imperatively a part

of the Roman Creed as is the great Catholic doctrine of the Divinity of Christ. And the obligation to prohibit the promulgation of the adverse opinion would have been exactly the same. Nor is it easy to suppose that the *Curia* was not sharp enough to anticipate this consequence, and prepare the way for it.

Independently of such a plot, the paltry game of these representations is sufficiently intelligible. It seeks to place the King's Government in a dilemma. Either they enforce restriction in the supposed interest of religion, or they decline to enforce it. In the first case, they diminish the liberties of the people, and provoke discontent; in the second, they afford fresh proof of ungodliness, and fresh matter of complaint to be turned sedulously to account by the political piety of the Vatican. But let us pass on from this small trickery; *paullò majora canamus.*

Considering on the one hand the professedly pacific and unworldly character of the successors of the 'Fisherman,' and on the other the gravity of those moral and social evils which are indeed represented as insupportable (ii. 54), an unbiassed reader would expect to find in these pages constant indications of a desire on the part of the Pope and Court of Rome to effect, by the surrender of extreme claims, some at least tolerable adjustment. There was a time, within the memory of the last twenty years, when Pius IX. might have become the head of an Italian Federation. When that had passed, there was again a time, at which he might have retained, under an European guarantee, the *suzerainеté*, as distinguished from the direct monarchy, of the entire States of the Church. When this, too, had been let slip, and after another contraction of the circle of possibilities, it was still probably open to him to retain the *suzerainеté* of the city of Rome itself, with free access to the sea; it was unquestionably within his choice, at any period down to 1870, to stipulate for the Leonine City, with a like guaranteed liberty of access, and with a permanent engagement that Rome never should become the seat of government or of Royal residence, so that there should not be two suns in one firmament. There was in truth nothing which the Pope might not have had assured to him, by every warranty that the friendliness of all Europe could command, except the luxury of forcing on the people of the Roman States a clerical government which they detested. The Pope preferred the game of 'double or quits.' And he now beholds and experiences the result.

But notwithstanding what he sees and feels, that game is too fascinating to be abandoned. Instead of opening the door to friendly compromise, this is the very thing for the treatment of

which

which the furnace of his wrath is ever seven times heated. 'Yes, my sons,' he says in a 'stupendous' (i. 268) discourse, and himself 'resplendent with a grandeur more than human' (269) to an 'innumerable multitude of the faithful, Roman and foreign' (266), whom he has already congratulated (283) on their readiness to give all, even *their blood*, for him. 'Yes, my sons, draw into ever closer union, nor be arrested even for a moment, by lying reports of an impossible "reconciliation." It is futile to talk of reconciliation. The Church can never be reconciled with error, and the Pope cannot separate himself from the Church . . . . No; no reconciliation can ever be possible between Christ and Belial, between light and darkness, between truth and falsehood, between justice and the usurpation.'

This passage, by no means isolated, is, it must be admitted, rather 'superhuman.' The wrath of the aged Pontiff had in fact been stirred in a special way by some *abbominevoli immagini*,* some execrable pictures, which were for him most profane. The editor explains to us what they were. Such is the unheard-of audacity of Italian Liberalism, and such its hatred and persecution of the Pope, that (ii. 285) a certain Verzaschi, living in the Corso No. 135, had for several days exhibited to public view a picture, in which the Pope and the King of Italy were—we tremble as we write—embracing one another!

But if the Holy Father is thus decisive on the subject of visible representations which he conceives to be profane, we should greatly value his judgment, were there an opportunity of obtaining it, on another commodity of the same class, an Italian work, sold in Rome, and not a production of the hated Liberals. It is stamped 'Diritto di proprietà di Cleofe Ferrari,' with an address in Rome, of which the particulars cannot be clearly deciphered, but it is manifestly authentic.

It is a photograph of 6½ by 4½ inches, and it represents a double scene, one in the heavens above, one on the earth below. Above, and receding from the foreground, is one of those figures

* Even from the heart of the Order of Jesuits there sounds a voice of protestation against the insane policy of the Pope. It is that of Curci, a well-known champion, for many long years, of the Papal cause, against Gioberti and others. We learn from a pamphlet published on the part of the Italian Government in reply to a violent and loosely written attack by the Bishop of Orleans (on the merits of which, in other respects, we are not in a condition fully to pronounce), that Padre Curci says it is idle to make a bugbear of conciliation: that much as he laments the departure of the mediæval ways (which perhaps he does not quite understand), they are gone; it is idle to suppose the past can be re-established in the Roman States, either by diplomatic mediation, political re-arrangement, 'or even foreign intervention.'—*Les Lois Ecclésiastiques de l'Italie*, p. 74. Paris, 1874. It seems, then, that there is at least one way in which a Jesuit can forfeit his title to be heard at Rome, and that is if he speaks good sense.

of the Eternal Father, which we in England view with repugnance; but that is not the point. On the right-hand of that figure stands, towards the foreground, the Blessed Virgin Mary, with the moon under her feet (Rev. xii. 1); on the left-hand, and also towards the front, is Saint Peter, kneeling on one knee; but kneeling to the Virgin, not to God. In the scene below we have an elevated pedestal with a group of figures, nearer the eye, and filling the foreground. On the pedestal is Pope Pius IX., in a sitting posture, with his hands clasped, his crown, the Triregno on his head, and a stream of light falling upon him, from a dove forming part of the upper combination, and representing of course the Holy Spirit. The Pope's head is not turned towards the figure of the Almighty. Round the pedestal are four kneeling figures, apparently representing the four great quarters of the globe, whose corporal adoration is visibly directed towards the Pontiff, and not towards the opened heaven. We omit some other details not so easily understood; and indeed the reader will by this time have had a sickening sufficiency of this sort of 'abominable images.' We commend this most profane piece of adulation to the notice of the Cardinal Vicar, as it will supply him with a very valuable topic in his next demand upon the Italian Government to prevent the public exhibition in Rome of what conveys an insult to religion.

The outburst we have quoted against all reconciliation is, as we have said, not an isolated one. Declarations essentially similar may be found in vol. i. 291 (Dec. 7, 1871), 498 (Letter to Cardinal Antonelli), ii. 279 (March 7, 1873, in an address of Bishops accepted and lauded by the Pope).

Out of these two hundred and ninety Speeches, about two hundred and eighty seem to be addressed to the great political purpose which is now the main aim of all Papal effort—that of the triumph and liberation of the Church in Rome itself, and the re-establishment of peace.

When the Pope speaks of the liberation of the Church, he means merely this, that it is to set its foot on the neck of every other power; and when he speaks of peace in Italy, he means the overthrow of the established order, if, by a reconversion of Italians to his way of thinking, well; but if not, then by the old and favourite Roman expedient, the introduction of foreign arms, invading the land to put down the national sentiment and to re-establish the temporal government of the clerical order.

Everywhere, when he refers to the times which preceded the annexations to Sardinia, and the eventual establishment of the Italian kingdom, he represents them as the happy period of which every good man should desire the return. Even at the moderate

suggestions of practical reform which were recommended to Gregory XVI. in the early part of his reign by the Five Great Powers, including the Austria of Metternich, he scoffs; and he appears to think that they brought down upon several of the recommending Sovereigns the judgment due to impiety.

Thus on June 21, 1873, he says (ii. 356): 'Let us pray for all; let us pray for Italy, that we may see her set free from her enemies, and restored to her former repose and tranquillity.'

Now there can be no doubt what he means by calm and tranquillity. He explains it in a passage (ii. 23) when he has occasion to refer to the opening times and scenes of his ill-omened and ill-ordered reign: 'Those times were troublous, just as are the present; but notwithstanding they produced, after no long while, an era of tranquillity and quietude' (ii. 23).

The troubles, for troubles there were, arose from the efforts of a people then without political experience to right themselves under the unskilful handling of a ruler, who prompted movements he had no strength to control, and made promises he had no ability to perform. The tranquillity and quietude were found in the invasion of the State by a French army; in the siege and capture of the city, which its inhabitants and a few Italian sympathisers in vain struggled under Garibaldi to defend; and in an armed occupation, which effectually kept down the people for seventeen and a half years; until there came, in 1866, a winter's morning, when at four o'clock the writer of these pages, by help of the struggling gaslights in the gloom, saw the picked regiments of France wheel round the street corners of the queenly city, in their admirable marching trim, on the way to the railway station, and bethought him that in that evacuation there lay the seed of great events.

To those, who have not carefully followed the fortunes of Italy and her rulers, it may seem strange that this last and worst extreme of tyranny, the maintenance of a Government, and that a clerical Government, by bayonets, and those foreign bayonets, should be spoken of by any man in his five senses, even though that man be a Pope, in any other terms than those of pain and shame, even if it were at the same time, as a supposed necessity, palliated or defended. But the Pope speaks of it with a coolness, an exultation (ii. 248), a yearning self-complacent desire, which would deserve no other name but that of a brutal inhumanity, were it not that he simply gives utterance to the inveterate tradition of the Roman *Curia*, and the tradition of a political party in Italy, which, as long as it had power, made foreign occupation an everyday occurrence, a standing remedy, a normal state.

In 1815, the Pope was brought back to Rome by foreign arms. But

But at that time it was by foreign arms that he had been kept out of his dominions. Cardinal Pacca, in his Memoirs, gives us to understand that the Pontiff was received by the people with their good will. It may have been so. But unhappily, after the great occasion of this restoration, all the mischief was done. Much of local self-government had existed in the Pontifical States before the French Revolution. It was now put down. Of the French institutions and methods, the Pope retained only the worst—the spirit of centralisation, and a police, kept not to repress crime, but to ferret out and proscribe the spirit of liberty. The high sacerdotal party prevailed over the moderate counsels of Gonsalvi. And Farini, in his dispassionate History, gives the following account of the state of things even under Pius VII.:—

'There was no care for the cultivation of the people, no anxiety for public prosperity. Rome was a cesspool of corruption, of exemptions, and of privileges; a clergy, made up of fools and knaves, in power; the laity slaves; the treasury plundered by gangs of tax-farmers and spies; all the business of government consisted in prying into and punishing the notions, the expectations, and the imprudences of the Liberals.'*

The result was that, as the Pope's native army was then worthless and even ridiculous, and his foreign mercenaries insufficient in strength, the country was always either actually or virtually occupied by Austrian forces: virtually when not actually, because at those periods when the force had been withdrawn, it was ready, on the first signal of popular movement and Papal distress, to return. So we pass over the interval until the accession of Pius IX., and until the month of July 1849. Then the Government of France, acting as we believe without the sanction of the public judgment, and in order to reward for the past and purchase for the future the electoral support of the Ultramontane party, assumed the succession to Austria in the discharge of her odious office of repression, and thus left it doubtful to the last whether her splendid services to Italy in 1859 were or were not outweighed by the cruel wrong done for so many years in the violent occupation of Rome. That office has long ago been finally and in good faith renounced by Austria, now the friend of Italy. Let us hope, for the sake of the peace of Europe, that it will never again be assumed by any other Power. It was, however, only the war of 1870 which caused the removal of the French force from Civita Vecchia. That seaport had been re-occupied shortly after the relinquishment of Rome in 1866.

* Farini, 'Hist. of Rome,' Bk. i. chap. i., English translation, vol. i. p. 17.

In

In July 1870, the remonstrances of the Papal Government were met by a neat and telling reply from France. 'The fortunes of the war will be favourable, or they will be adverse. If the former, we can then protect you better than ever; if the latter, we must surely have our men to protect ourselves.'

Sad then as it is, and scarcely credible as it may appear, that this great officer of religion, who guides a moiety or thereabouts of Christendom, who

'Looks from his throne of clouds o'er half the world,' *

is hopelessly implicated in the double error; first, that he makes the restoration of his temporal power a matter of religious duty and necessity; secondly, that he seeks the accomplishment of that bad end through the outrage of a foreign intervention against the people of Rome, and through the breaking up of the great Italian kingdom.

For indeed it is plain enough, that the assaults of the Pope, though especially directed against that portion of Italy which once formed the States of the Church, are by no means confined to such a narrow range. This approved work describes the Italian Royal Family at the epoch of the occupation of Rome, as the Principi di Piemonte (i. 58): and the Pope assures a deputation from Naples that in his daily prayer he remembers the city, its people, its pastor, and its King; meaning the ex-king Francis II. (i. 118). What he prays is that the longed-for peace may be restored to that 'kingdom.' And in order that we may know what this peace is, another speech at a later date tells us he prays the Lord that that unfortunate kingdom may return to be that which it was formerly, namely, a kingdom of peace and prosperity (ii. 338). This is the language in which the Pope is not ashamed to speak of a Government founded upon the most gross and abominable perjury, cruel and base in all its detail to the last degree, and so lost in the estimation of the people, notwithstanding the existence of its powerful army, that Garibaldi was able in a red shirt to traverse the country as a conqueror, enter the capital, and take peaceable possession of the helm of State.

The kingdoms and states of the world are, in Romish estimation, divided into several classes. Let us put Italy alone in the first and lowest, as a State with which the Pope is undisguisedly at war. Next come the States which pursue a policy adverse to the Ultramontane system; after them, in the upward series, those not very numerous States, with which Rome has no

* Campbell's 'Pleasures of Hope.'

quarrels;

calls his voluntary sojourn within the walls of a noble Palace which is open to all the world, and which he can inhabit, leave, re-enter, when and as he pleases. When he recorded the good deeds of Priscilla and Aquila, who for his life had exposed their own (Rom. xvi. 3), he did not compare even these noble sacrifices with the ministries rendered in the Gospels, by her whom the Pope teaches us to deem the holiest of women, to the Son of God Himself. His sublimity is ever as simple, natural, and healthy, as the daring and stilted phrases of the modern Vatican are the reverse.

If the Pope sees in his own official character such high personal titles and such nearness to Christ, it can be no wonder that he should raise those titles, which are official, to an extraordinary altitude. He does not, indeed, quite emulate in all points the astounding language of Don Pasquale, who always goes mad in white linen when the Pope goes mad in white satin.* Yet he says (ii. 265), 'Keep, my Jesus, through the instrumentality of the successors of the Apostles, through the instrumentality of the clergy, this flock, that God has given *to you and to me.*'

No wonder then, as he is thus partner with Christ in a separate and transcendent sense, that he should give us as a rule for our Italian politics, whoever is for me, is for God. (*chi è con me, è con Dio*). It may be thought that this is the assumption which all Christian men should make. But that is not his opinion. When similar manifestations of piety are hazarded on behalf of the Italian Government, mildly to consecrate their cause, which is after all the cause of a great nation, he executes summary justice (ii. 317) upon such pretences. 'Somebody has had the boldness to write, "God is not on the side of the Pope, but on the side of Italy."

'This assertion, *somewhat impudent*, is contrary to the facts. And first of all I shall say, that if Italy is with God, then assuredly she is with His Vicar.' It is all of a piece. Nothing but the superhuman is good enough for the Pope; and in the next edition of the Roman religion, probably even this will not do. We have already shown where Don Pasquale, an accomplished professor of flunkeyism in things spiritual, calls the Pope outright by the term 'inspired.' Again, in presenting his volumes to Count de Chambord (ii. 547), he has it thus:

* In speaking of the probable condition of Rattazzi in the other world (ii. 342) the Pope says he knows not what his fate may be, and is satisfied with calling him *questo infelice*. Don Pasquale, on the other hand (p. 348), says that the Pope being the Supreme Judge in the Church, was thereby entitled to pronounce a sentence far more definite and terrific on the unhappy Sectarian; but was pleased to hide his judgment under the inscrutable veil of the judgments of God.

indeed, to the region of what is called pious opinion, but to believe that the day will come is matter of duty and faith.

'Yes, this change, yes, this triumph, will have to come; and it is matter of faith (*ed è di fede*). I know not if it will come in my lifetime, the lifetime of this poor Vicar of Jesus Christ. I know that come it will. The rising again must take place, this great impiety must end.'—ii. 82.

It is with glee that he inculcates the great duty of prayer, when a hopeful sign comes up on the far horizon: though that sign be no more than some notice given in the Chamber of France. On February 18, 1872, he says:

'At the earliest moment, offer prayer and sacrifice to God for another special object. About this time my affairs are to be the subject of discussion in the National Assembly of a great people; and there are those who will take my part. Let us then pray for this Assembly.'

And so forth (i. 352).

Taken by itself, a passage of this kind might be perfectly well understood as contemplating nothing beyond the limits of a simply diplomatic, and even amicable intervention. But then the question arises, why, if diplomacy be in contemplation, are compromises and adjustments so passionately denounced? The answer is, that diplomacy is not in contemplation or in desire, but what is now perfectly well known in Europe as 'blood and iron.' No careful reader of this authoritative book can doubt, that these are the means by which the great Christian Pastor contemplates and asks, aye asks as one who thinks himself entitled to command, the re-establishment of his power in Rome. There is indeed a passage, in which he, addressing his ex-policemen! deprecates an armed reaction, and declares the imputation to be a calumny. And so far as the gallantry of those policemen is concerned, according to all that used to be seen or heard of them, he is quite right. The reaction he desires, in this speech, is good education, respect to the Church and the priests. But this is the local reaction, the reaction *in piccolo*. 'As to what remains, God will do as He wills: reactions on the great scale (*reazioni in grande*) cannot be in my hands, but are in His, on whom all depends.'

He shows, however, elsewhere and habitually, not only a great activity in seconding the designs of Providence in this matter, but a considerable disposition to take the initiative, if only he could. In words alone, it is true; but he has no power other than of words. Let us hear him address his soldiers, on the 27th of December, 1872. (ii. 141.)

'You,

'You, soldiers of honour, attached by affection to this Holy See, constant in the discharge of your duties, come before me, but you still come unarmed; thus proving how evil are the times.

'Oh were I but able to conform to that voice of God, which so many ages back cried to a people: "turn your spades, turn your ploughshares and your ploughs, turn all your instruments of husbandry into blades and into swords, turn them into weapons of war, for your enemies approach, and for many arms, and many men with arms, will there be need. Would that the Blessed God would to-day in us repeat these very inspirations! But He is silent: and I His Vicar cannot be otherwise, cannot employ any means but silence."'

Here we should certainly, with these volumes of loud speech before us, desire to interpolate a sceptical note of interrogation. He proceeds, however, to say, it is not for him to give authority for the manufacture of weapons: and that probably the revolution in Italy will destroy itself. But if that be his idea, why the ferocious passage about blades and swords, which has just been presented to the reader, and the many references to forcible restoration in which he delights? It is probable that the Pontiff relents occasionally, and gives scope to his better mind: but habitually, and as a rule, he looks forward with eagerness to that restoration by foreign arms in the future, which forms to him, as we have seen, so satisfactory a subject of retrospective contemplation for the period from 1849 to 1866, and again from 1867 to 1870.

Many may desire to know, in concluding our examination, what are the utterances of the Pontiff with respect to the burning questions of the Vatican Decrees. It must be at Rome that the fashions are set in regard to infallibility, to obedience, and to the question of the relation between the Roman See and the Civil Power; and the work under review is perfectly unequivocal on this class of subjects, though less copious than in regard to that cardinal object of Papal desire, the restoration of the Temporal Power.

In times of comparative moderation, not yet forty-five years back, when Montalembert and Lamennais dutifully repaired to Rome to seek guidance from Gregory XVI., that Pontiff, in repudiating their projects through his Minister, paid them a compliment for asking orders from 'the infallible mouth of the Successor of Peter.' We are often told that the Pope cannot be held to speak *ex cathedrâ* unless he addresses the whole body of Christians, whereas in this case he addressed only two. Now to the outer world, who try these matters by the ordinary rules of the human understanding, it seems to be a very grave inconvenience that the possessor of an admitted Infallibility should formally

formally declare himself infallible in cases where he is allowed in his own title-deeds to be only fallible like the rest of us. One chief mark, however, of declarations *ex cathedrâ* is that they are made to all the Faithful; and we observe in the title of these Discourses that they are addressed *Ai Fedeli di Roma e dell' Orbe.*

In the work of Don Pasquale, the term 'infallible' is very frequently applied to the Pope by the deputations. A crowd of three thousand persons shouts Viva il Pontefice Infallibile (i. 372, comp. i. 407); a lawyer, speaking for a company of lawyers (ii. 313), reveres 'the great Pope, the superlatively great King, the infallible master of his faith, the most loving father of his soul;' and the like strain prevails elsewhere (*e.g.* ii. 160, 165, 177, 190, 256) in these Addresses, which are always received with approval. Whether advisedly or not, the Pontiff does not (except once, i. 204) apply the term to himself; but is in other places content with alleging his superiority (as has been shown above) to an inspired Prophet, and with commending those who come to hear his words as words proceeding from Jesus Christ (i. 335).

On the matter of Obedience he is perfectly unequivocal. To the Armenians, who have recently resisted his absorbing in himself the national privileges of their Church, he explains (ii. 435) that to him, as the Successor of Saint Peter, and to him alone, is committed by Divine right the Pastorate of the entire Church; plainly there is no other real successor of the Apostles, for Bishops, he says, have their dioceses it is true, but only by a title ecclesiastical, not Divine. To limit this power is heresy, and has ever been so. Not less plain is his sense of his supremacy over the powers of the world. His title and place are to be the Supreme Judge of Christendom (i. p. 204). It is not the office of any Government, but the sublime mission of the Roman Pontificate, to assume the defence of the independence of States (ii. 498), and so far from granting to nations and races any power over the Church, God enjoined upon them the duty of believing, and gave them over to be taught by the Apostles (ii. 452).

Finally, as respects the Syllabus and its mischievous contents, that document is not only upheld, but upheld as the great or only hope of Christian Society. We hear (i. 444) of the advantage secured by the publication of the Syllabus. The Chair of Peter has been teaching, enlightening, and governing, from the foundation of the Church down to the Syllabus and the Decrees of the Vatican (ii. 427, *bis*). The two are manifestly placed on a level. And, grieved as is the Pontiff at the present perversion of mankind, and especially of the young, he is also convinced

convinced that the world must come to embrace the Syllabus, which is the only anchor of its salvation (*l' unica ancora di salute*,' i. 58-9).

One of the main objects of the Syllabus is to re-establish in the mass all the most extravagant claims which have at any time been lodged by the Church of Rome against the Christian State. Hardly any greater outrage on society in our judgment has ever been committed than by Pope Pius IX. in certain declarations (i. 193, and elsewhere) respecting persons married civilly without the Sacrament. For, in condemning them as guilty of concubinage, he releases them from the reciprocal obligations of man and wife. But of all those which we have described as the burning questions, the most familiar to Englishmen is perhaps that of the Deposing Power; which, half a century ago we were assured was dead and buried, and long past the possibility of exhumation or revival. It shall now supply us with our last illustration; for true as is that with reference to the possibilities of life and action, it remains the shadow of a shade, yet we have lived into a time when it is deliberately taught by the Ultramontane party generally, and not, so far as we know, disavowed by any of them.

Lord Robert Montagu, who was in the last Parliament the High Church and Tory Member for the orthodox county of Huntingdon, and is in this Parliament transformed into an ardent neophyte and champion of the Papal Church, in a recent Lecture before the Catholic Union of Ireland,* took occasion, among other extravagances, to set forth with all honour a passage from a Speech of the Pope, delivered on the 21st of July, 1871, in which he justified and explained the doctrine of the Deposing Power. According to the version he gave of the Italian Discourse, this Power was an 'authority, in accordance with public right, which was then vigorous, and with the acquiescence of all Christian nations.'

In the 'Tablet' newspaper of November 21 and December 5, 1874, a writer, who signs himself C. S. D., assails Lord Robert Montagu for erroneous translation; and, with undeniable justice, points out that the words, *secondo il diritto pubblico allora vigente*, do not mean 'in accordance with public right, which was then vigorous,' but 'in accordance with the public law (or right) then in force.' He also quotes words not quoted by Lord Robert, to show that the Popes exercised this power at the call of the Christian nations (*chiamati dal voto dei popoli*); which, as he truly says, give a very different colour

* Dublin, M'Glashan and Gill, 1874, p. 10.

to

to the passage. His citation is, he states, from the *Voce della Verità* of 22nd July, 1871, the day following the Speech, confirmed by the *Civiltà Cattolica* of August 19.

Amidst these grave discrepancies of high authorities, our readers may desire to know what a still higher authority, the Pope himself, really did say; and we have happily the means of informing them from the volumes before us, which contain the 'sole authentic' report. The Speech was delivered, not on the 21st, but the 20th of July, and will be found at vol. i. p. 203. We need not trouble the reader with a lengthened citation. The passage, as quoted by Lord Robert Montagu, will be found in Mr. Gladstone's 'Vatican Decrees,' p. 19. The essential point is that, according to C. S. D., the Pope justified the Deposing Power on this specific ground that they were called to exercise it by the desire, or voice, or demand, of the nations. What will our readers say when we acquaint them that the passage given by C. S. D. in the 'Tablet' is before our eyes as we write, and that the words 'called by the voice of the people' (*chiamati dal voto dei popoli*) *are not in it?* Whether they were spoken or not is another question, which we cannot decide. What is material is that, from the fixed, deliberate, and only authentic report, they have been excluded, and that the Pope himself sustains, and therefore claims, the Deposing Power, not on the ground of any demand of the public opinion of the day, but as attaching to his office.

And now in bidding farewell to Don Pasquale, we offer him our best thanks for his two Volumes. Probably this acknowledgment may never meet his eyes. But lest, in the case of its reaching him, it should cause him surprise and self-reproach that he should have extorted praise from England and from Albemarle Street, we will give him 'the reason why.' We had already and often seen Infallibility in full-dress, in peacock's plumes; Infallibility fenced about with well-set lines of theological phrases, impenetrable by us, the multitude, the uninitiated. But Don Pasquale has taken us behind the scenes. He has shown us Infallibility in the closet, Infallibility in dishabille, Infallibility able to cut its capers at will, to indulge in its wildest romps with freedom and impunity. And surely we have now made good the assurance with which we began. If ever there was a spectacle, strange beyond all former experience, and charged with many-sided instruction for mankind, here it is. We will conclude by giving our own estimate, in few words, of the central figure and of his situation.

In other days, the days of the great Pontiffs who formidably compete in historic grandeur with Barbarossa, and even with Charlemagne,

Charlemagne, the tremendous power which they claimed, and which they often contrived to exercise, was weighted with a not less grave and telling responsibility. The bold initiative of Gregories and Alexanders, of Innocents and Bonifaces, hardly indeed could devise bigger and braver words than now issue from the Vatican:

> 'Quæ tuto tibi magna volant, dum distinet hostem
> Agger murorum, nec inundant sanguine fossæ.'*

But their decisions and announcements did not operate as now through agencies mainly silent, underground, clandestine; the agencies, for example, of affiliated monastic societies, the agency of the consummate scheme of Loyola, the agency, above all, of that baneful system of universal Direction, which unlocks the door of every household, and inserts an opaque sacerdotal medium between the several members of the family, as well as between the several orders of the State. Their warfare was the warfare of a man with men. It recalls those grand words of King David, 'Died Abner as a fool dieth? Thy hands were not bound, nor thy feet put into fetters: as a man falleth before wicked men, so fellest thou' (2 Sam. iii. 33). When they committed outrage or excess, at least they were liable to suffer for it in a fashion very different from the 'Calvary' of Pope Pius IX. They had at their very gates the Barons of Rome, who then, at least, were barons indeed; and the tramp of the mailed hosts of the Hohenstaufens was ever in their ears. But now, when the Pope knows that his income is secured by a heavy mortgage upon the credulity of millions upon millions, to say nothing of the offers of the Italian Government in reserve, and that his outward conditions of existence are as safe and easy as those of any well-to-do or luxurious gentleman in Paris or in London, his denunciations, apart from all personal responsibility for consequences, lose their dignity in losing much of their manhood and all their danger, and the thunders of the Vatican, though by no means powerless for mischief with a portion of mankind, yet in the generality can neither inspire apprehension nor command respect.

Let us revert for a moment to the month of June, 1846.

A provincial Prelate, of a regular and simple life, endowed with devotional susceptibilities, wholly above the love of money, and with a genial and tender side to his nature, but without any depth of learning, without wide information or experience of the world, without original and masculine vigour of mind, without political

* Æn. xi. 382.

insight,

insight, without the stern discipline that chastens human vanity, and without mastery over an inflammable temper, is placed, contrary to the general expectation, on the pinnacle, and it is still a lofty pinnacle, of ecclesiastical power. It is but fair towards him to admit, that his predecessors had bequeathed to him a temporal polity as rotten and effete in all its parts as the wide world could show. At the outset of his Pontificate, he attempted to turn popular emotion, and the principles of freedom, to account in the interests of Church power. As to ecclesiastical affairs, he dropped at once into the traditions of the *Curia*. He was and is surrounded by flatterers, who adroitly teach him to speak their words in telling him that he speaks his own, and that they are the most wonderful words ever spoken by man. Having essayed the method of governing by Liberal ideas and promises, and having, by a sad incompetency to control the chargers he had harnessed to his car, become (to say the least) one of the main causes of the European convulsions of 1848, he rushed from the North Pole of politics to the South, and grew to be the partisan of Legitimacy, the champion of the most corrupt and perjured Sovereignties of Italy, that is to say of the whole world. Had he only had the monitions of a free press and of free opinion, valuable to us all, but to Sovereigns absolutely priceless, and the indispensable condition of all their truly useful knowledge, it might have given him a chance; but these he denounces as impiety and madness. As the age grows on one side enlightened, and on another sceptical, he encounters the scepticism with denunciation, and the enlightenment with retrogression. As he rises higher and higher into the regions of transcendental obscurantism, he departs by wider and wider spaces from the living intellect of man; he loses Province after Province, he quarrels with Government after Government, he generates Schism after Schism; and the crowning achievement of the Vatican Council and its decrees is followed, in the mysterious counsels of Providence, by the passing over, for the first time in history, of his temporal dominions to an orderly and national Italian kingdom, and of a German Imperial Crown to the head of a Lutheran King, who is the summit and centre of Continental Protestantism.*

But what then? His clergy are more and more an army, a police, a caste; farther and farther from the Christian Commons, but nearer to one another, and in closer subservience to him. And they have made him 'The Infallible;' and they have promised he shall be made 'The Great.' And, as if to complete

* See the remarkable Tract of Franz von Löher: Ueber Deutschlands Weltstellung. München, 1874.

the

the irony of the situation, the owners, or the heirs, of a handful of English titles, formerly unreclaimed, are now enrolled upon the list of his most orthodox, most obsequious followers; although the mass of the British nation repudiates him more eagerly and resolutely than it has done for many generations.

Such is this great, sad, world-historic picture. Sometimes it will happen that, in a great emporium of Art, a shrewd buyer, after hearing the glowing panegyric of a veteran dealer upon some flaming and pretentious product of the brush, will reply, Yes, no doubt, all very true; but it is not a good picture to live with. So with regard to that sketch from the halls of the Vatican, which we have endeavoured faithfully to present, we ask the reader in conclusion, or ask him to ask himself, *Is it a good picture to live with?*

Note on No. 274, Art. 'The Jesuits.'

We have received a letter from Father Newman, in reference to a paragraph on p. 294 in our last number, informing us that he had never contemplated entering the 'Society of Jesus.' We regret most sincerely if anything we have written has caused annoyance to Father Newman. As a matter of fact, however, we would point out that we never alleged that he had formally demanded admission into the Order, or that his request had been met by a formal refusal. We merely coupled his name with those of several men, eminent for their religious vocation, who had certainly been brought into more or less close connexion with the Order, without such relation having resulted in an abiding connexion. But Father Newman's statement is so distinct in his letter totus as to remove all possible ambiguity as to the nature of his relation to the Order, and we therefore, in the Second Edition of our last number, omitted his name in the paragraph referred to.

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